

TOWARDS FREEDOM

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CONTENTS

| | PAGES |
|---------------------------|-------|
| FOREWORD | v |
| PREFACE | vii |
| ABBREVIATIONS | xvii |
| ABSTRACTS OF DOCUMENTS | xix |
| DOCUMENTS | i |
| APPENDICES | 1313 |
| SOME PROMINENT PERSONAGES | 1330 |
| GLOSSARY | 1338 |
| INDEX | 1340 |

Abbreviations

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|----------|--|
| A.I.C.C. | All India Congress Committee |
| A.P. | Associated Press |
| A.S.P. | Assistant Superintendent of Police |
| B.I.P.C. | British Indian Penal Code |
| B.N.R. | Bengal-Nagpur Railways |
| B.P.C.C. | Bengal Provincial Congress Committee |
| C.D. | Civil Disobedience |
| C.I. | Communist International |
| C.I.D. | Criminal Investigation Department |
| C.I.E. | Companion of the Indian Empire |
| C.I.O. | Central Intelligence Officer |
| C.P. | Cabinet Papers |
| C.P. | Communist Party |
| C.P.C. | Congress Provincial Committee |
| C.S.P. | Congress Socialist Party |
| Cr.P.C. | Criminal Procedure Code |
| D.I.B. | Director of Intelligence Bureau |
| D.I.G. | Deputy Inspector-General of Police |
| G.O.C. | General Officer Commanding |
| H.M.G. | His Majesty's Government |
| H.S.R.A. | Hindustan Socialist Republican Army |
| I.B. | Intelligence Bureau |
| I.C.P. | Indian Communist Party |
| I.C.S. | Indian Civil Service |
| I.E.S. | Indian Education Service |
| I.G. | Inspector-General |
| I.N.C. | Indian National Congress |
| L/P & J | Public and Judicial Department Papers |
| L.P.O. | Private Office Papers (Private Office to the Secretary of State) |
| L.P & S. | Political and Secret Department Papers |
| M.L.A. | Member of Legislative Assembly |
| M.P. | Member of Parliament |
| N.W.F.P. | North-West Frontier Province |
| P.C.C. | Provincial Congress Committee |
| P.S. | Private Secretary |
| P.S.V. | Private Secretary to the Viceroy |
| P.W.D. | Public Works Department |
| R.I. | Rigorous Imprisonment |
| S.P. | Superintendent of Police |
| T.U. | Trade Union |
| T.U.C. | Trade Union Congress |
| U.S.S.R. | Union of Soviet Socialist Republics |

ABSTRACTS OF DOCUMENTS

| Document No. | Subject | Date (January) | Page |
|-----------------|---|-------------------|------|
| 1 | Gandhi's Concept of Swaraj | 2 | 1 |
| 2 | Jawaharlal Nehru's Circular to PCCs on Faizpur Congress Resolutions | 2 | 5 |
| 3 | M. A. Jinnah on United Front of Hindus and Muslims | 2 | 7 |
| 4 | Hindus and Elections: Bhai Parmanand's Presidential Address | 2 | 7 |
| 5 | Nehru on Celebration of Independence Day | 2-11 | 11 |
| 6 | Vallabhbhai Patel on the Importance of Faizpur Session | 3 | 13 |
| 7 | Jinnah on Third Party | 4 | 14 |
| 8 | Viceroy to Secretary of State on the Postponement of Royal Visit to India | 5 | 15 |
| 9 | Harry Haig to Linlithgow on Election Situation in UP | 6 | 18 |
| 10 | Erskine to Linlithgow: Appreciation of the Election Situation in Madras | 6 | 21 |
| 11 | Abdul Halim Ghuznavi to Zetland on Hindu-Muslim Settlement in Bengal | 7 | 23 |
| 12 | Nehru's Rebuttal of Jinnah's Concept of Third Party | 10 | 24 |
| 13 | John Hubback to Linlithgow on Final Forecasts on the Results of Elections in Orissa | 12 | 27 |
| 14 | Madras Government's Assurance to Public Servants | 12 | 29 |
| 15 | Ralph Griffith to Linlithgow on Political Affairs in NWFP | 12 | 30 |
| 16 | Hyde Gowan to Linlithgow: A Note on the Developments in the Election Situation in CP | 13 | 33 |
| 17 | W.K.H. Langley on the Role of European Community | 13 | 35 |
| 18 | Jinnah's Objection to Ghuznavi- Burdwan Communal Pact for Bengal | 14 | 37 |
| 19 | Brabourne to Linlithgow on Election Situation in Bombay | 15 | 38 |
| 20 | Linlithgow to Zetland on Concession to Princes | 17 | 40 |

| | | | |
|----|--|----|----|
| 21 | Governor of Bengal to Secretary of State: Views on Ghuznavi-Burdwan Pact | 17 | 42 |
| 22 | Nehru on Communalism and Elections | 18 | 42 |
| 23 | Zetland to Linlithgow on Ghuznavi's Negotiations for the Hindu-Muslim Pact | 18 | 44 |
| 24 | Michael Keane to Linlithgow: An Appreciation of Ministers in Assam | 19 | 45 |
| 25 | S. A. Dange to Nehru: Reply to Showcause Notice | 19 | 47 |
| 26 | Nehru Reiterates Goal of Congress | 19 | 52 |
| 27 | Home Department's Instructions With Regard to Celebration of Independence Day | 20 | 52 |
| 28 | Communication for Viceroy's Approval to Home Department's Instruction Regarding Independence Day Celebration | 20 | 54 |
| 29 | Confidential Appreciation of the Political Situation in India for the Cabinet | 21 | 54 |
| 30 | Herbert Emerson to Linlithgow on Election Campaign of Nehru in Punjab | 21 | 57 |
| 31 | Zetland to Ghuznavi on the Communal Pact in Bengal | 22 | 59 |
| 32 | Bombay Government Bans Independence Day Pledge | 22 | 60 |
| 33 | Swami Sahajanand's Instructions to Kisan Workers | 23 | 60 |
| 34 | Ranbir Singh on Governor-General's Responsibilities from the Indian States' Point of View | 23 | 65 |
| 35 | Erschine to Linlithgow Regarding Reaction on Home Department's Proposal for Banning Independence Day Pledge | 24 | 67 |
| 36 | Nehru's Instructions Regarding Independence Day Pledge | 25 | 69 |
| 37 | Persons Detained as State Prisoners | 25 | 70 |
| 38 | Ban on Independence Day Pledge by Provincial Governments | 26 | 71 |
| 39 | R. M. Maxwell to R. T. Peel on Independence Day Resolution | 26 | 74 |
| 40 | Haig to Linlithgow on Banning the Congress Independence Day Resolution | 26 | 76 |
| 41 | Zetland to Wigram on Royal Visit to India | 27 | 78 |
| 42 | Linlithgow to Hubback: Hints on Ministry Formation in Orissa | 27 | 79 |

| | | | |
|----|---|------------------|-----|
| 43 | Maulana Azad's Appeal to Muslims | 30 (February) | 80 |
| 44 | Hubback to Linlithgow on Political Situation in Orissa | 1 | 81 |
| 45 | Erskine to Linlithgow: Report on Rajagopalachari's Interview | 3 | 84 |
| 46 | Haig to Linlithgow on Congress Propaganda in UP Elections | 4 | 86 |
| 47 | Gowan to Linlithgow on Election Trends in CP | 4 | 88 |
| 48 | Linlithgow to Zetland on Wearing of Uniform by Political Volunteers | 4 | 89 |
| 49 | Linlithgow to Zetland on Election Results and Possible Impact on Land System | 4 | 90 |
| 50 | Maharaja of Patiala to Acting Chancellor of the Chamber of Princes: Submission of Constitutional Committee Report | 6 | 92 |
| 51 | Nehru's Statement on UP Government's Circular | 6 | 104 |
| 52 | Abdul Halim Ghuznavi to Zetland on Relevance of His Pact to Bengal Situation | 8 | 106 |
| 53 | Anderson to Linlithgow: Possibility of a Stable Block Among the Muslims | 8 | 107 |
| 54 | Zetland to Linlithgow on the Danger of Mass Contact Movement | 8 | 110 |
| 55 | James Sifton to Linlithgow on Appraisal of Election Situation in Bihar | 9 | 111 |
| 56 | Hubback to Linlithgow on Economic and Social Programme of the Indian National Congress | 10 | 113 |
| 57 | Linlithgow to Erskine on the Desirability of Leaning More on Central Intelligence Officers | 10 | 116 |
| 58 | Nehru on Importance of Voting for the Congress | 10 | 117 |
| 59 | Annadurai's Election Speech on the Goals of Justice Party | 12 | 120 |
| 60 | Brabourne to Linlithgow: Interim Assessment of Election Results in Bombay Province | 13 | 123 |
| 61 | Haig to Linlithgow on Election Estimates in UP | 13 | 126 |
| 62 | Abdul Halim Ghuznavi's Proposal to Anderson on Ministry Formation | 13 | 128 |
| 63 | Linlithgow to Erskine on Access of Departmental Heads to the Governor | 13 | 132 |
| 64 | Congress Socialist Party's Disapproval of Gandhi's Willingness to Accept Dominion Status | 14 | 135 |

| | | | |
|-----|---|-------|-----|
| 107 | Memorandum by the Secretary of State on the Result of the Indian Provincial Elections Circulated to the Cabinet | 12 | 221 |
| 108 | Reid to Linlithgow on Monthly Review of Political Situation in Assam | 12 | 228 |
| 109 | Viceroy to Zetland on His Interview with Birla | 13 | 229 |
| 110 | Shamsuddin Ahmed to Anderson on Communal Ratio Question in the Bengal Ministry | 13 | 230 |
| 111 | Cripps' Cable to Nehru on Victory in Elections | 14 | 231 |
| 112 | Linlithgow to Erskine on the Line of Government Action in the Event of Congress Not Accepting Office | 15 | 232 |
| 113 | Central Government on Action on Anti-Constitution Day | 16 | 233 |
| 114 | Secretary of State to Viceroy on Summoning of Legislatures and Deferment of Ministry Formation | 17 | 235 |
| 115 | Proceedings of the AICC Session on the New Constitution and the Congress Policy | 17-18 | 237 |
| 116 | Viceroy to Secretary of State on CWC Resolution for Office Acceptance | 18 | 239 |
| 117 | Confidential Appreciation of the Post-Election Political Situation in India for the Cabinet | 19 | 242 |
| 118 | Secretary of State to Government of India on Federation | 19 | 245 |
| 119 | Linlithgow to Zetland on the Question of Assurance | 19 | 249 |
| 120 | Nehru's Address to the All-India Convention of Congress Legislators | 20 | 251 |
| 121 | Iqbal to Jinnah for Holding a Muslim Convention | 20 | 261 |
| 122 | Graham to Linlithgow on Ministers and Panel of Chairmen in Sind | 22 | 262 |
| 123 | Zetland to Linlithgow on Developments Arising Out of Congress Victories in Elections | 22 | 263 |
| 124 | Viceroy's Instructions Regarding Request for Assurance | 22 | 265 |
| 125 | Erskine Seeking Instructions Regarding Gandhi Meeting Him | 22 | 266 |
| 126 | Rajagopalachari on Office Acceptance | 23 | 267 |
| 127 | Nehru's Instructions on Observance of Anti-Constitution Day | 23 | 268 |

| | | | |
|-----|--|----|-----|
| 128 | Erskine Permitted to See Gandhi | 23 | 268 |
| 129 | UP Governor to Viceroy on Deadlock | 24 | 269 |
| 130 | Nehru's Reply to Lothian | 25 | 271 |
| 131 | Viceroy to Provincial Governments on Jurisdiction of Provincial Legislatures to Discuss the Behaviour of Troops Acting in Aid of the Civil Powers | 25 | 272 |
| 132 | Viceroy to Secretary of State on Formation of Minority Ministries and the Question of Validity of Delay Caused in the Process After 1st April | 25 | 274 |
| 133 | AICC Newsletter on Muslim Support for the Congress | 25 | 276 |
| 134 | A.K. Fazlul Huq's Appeal for Support to the Bengal Ministry | 25 | 277 |
| 135 | Governor of Bombay to Viceroy for Muslim Representation in the Ministry | 25 | 278 |
| 136 | Viceroy to Secretary of State on Rejection of Rajagopalachari's Formula About Governors' Assurance | 26 | 278 |
| 137 | Anderson to Linlithgow on Political Detenus in Bengal and Their Reclamation | 27 | 280 |
| 138 | Viceroy to Governors on Hoisting Congress Flag on Government Buildings | 27 | 284 |
| 139 | C. Rajagopalachari's Statement on the Need for Assurance | 27 | 287 |
| 140 | Abdul Wali to Nehru on a Possible Coalition Between Congress and Muslim League | 28 | 288 |
| 141 | Viceroy to Secretary of State on Dissemination of Government's Stand Regarding Congress Demand | 28 | 289 |
| 142 | Address of Jayshankar P. Bhojak on Princely States and Praja Mandal | 29 | 290 |
| 143 | Viceroy to Secretary of State on Summoning of Legislatures in Congress Provinces | 29 | 293 |
| 144 | Nehru to Abdul Wali on Opposition to Coalition With Muslim League | 30 | 294 |
| 145 | Craik to Baden-Powell on Dropping out the Song 'Bande Mataram' from the Book 'Scouting for Boys in India' | 30 | 295 |
| 146 | Gandhi's Statement to the Press Claiming Sole Authorship of the Office Acceptance Clause of the Congress Resolution | 30 | 296 |

| | | | |
|-----|---|-------|-----|
| 147 | Linlithgow to Zetland on Consistency of Government's Line of Action Regarding Congress Demand for Assurance | 30 | 298 |
| 148 | Nehru to Pant Against Coalition with Muslim League | 30 | 299 |
| 149 | Jayaprakash Narayan's Circular on the Role of the Socialist Party in the Congress | 31 | 300 |
| 150 | Nehru's Circular on Contact with Muslim Masses | 31 | 301 |
| 151 | Viceroy to Secretary of State on Hoare's Observation Regarding Governor's Use of Power of Interference | 31 | 302 |
| 152 | Memorandum by the Secretary of State on Provincial Ministries in India Circulated to the Cabinet | 31 | 303 |
| 153 | Fazlul Huq to Bengal Governor on Selection of Ministers and Secretaries | 31 | 307 |
| 154 | Haig to Linlithgow on the Formation of Chhatari's Ministry in UP | 31 | 310 |
| 155 | King's Message on the Inauguration of the New Constitution | 31 | 312 |
| | | April | |
| 156 | Haig to Linlithgow on Difficulty in the Formation of Interim Ministry | 1 | 312 |
| 157 | Linlithgow to Haig on Speedy Formation of Interim Ministry in UP | 1 | 314 |
| 158 | Note by Reforms Commissioner on Constitutional Crisis | 2 | 315 |
| 159 | Linlithgow to Zetland: Appreciation of Political Situation in India | 2 | 320 |
| 160 | S.F. Stewart to Lothian: Request for Preparing Points for Reply to Gandhi's Letter to 'Times' | 2 | 322 |
| 161 | Stewart to Lothian: Enclosure of Material for Rejoinder to Gandhi's Letter, | 2 | 323 |
| 162 | Pant to Rajendra Prasad on Unsuccessful Endeavour of the Governor to Form Interim Ministry in UP | 2 | 327 |
| 163 | Pant's Report to Nehru on Political Situation in UP | 2 | 328 |
| 164 | Lothian to Stewart: Enclosure of the Draft of the Letter to 'Times' | 4 | 329 |
| 165 | M.N. Roy on Constitutional Deadlock | 4 | 331 |

| | | | |
|-----|---|---|-----|
| 166 | Gandhi's Letter to Indira | | 333 |
| 167 | Secretary of State to Viceroy: Seeking Clarification Regarding Reported Moves to Break the Impasse | | 333 |
| 168 | Zetland to Samuel Hoare on the Need to Refute Gandhi's Version of Latter's Remarks on Governor's Special Powers | | 334 |
| 169 | Zetland to Linlithgow on Congress Volte Face | 5 | 336 |
| 170 | Samuel Hoare to Zetland on Gandhi's Misrepresentation of His Stand on Governor's Special Responsibilities | 6 | 338 |
| 171 | Subhas Bose's Speech after Release from Detention | 6 | 339 |
| 172 | Punjab Premier's Statement on Policy and Programme of His Ministry | 7 | 340 |
| 173 | Linlithgow to Zetland: Rebuttal of Criticism of Constitutional Validity of Forming Minority Ministries in Provinces | 7 | 342 |
| 174 | Nehru's Statement on the Success of Anti-Constitution Day | 7 | 344 |
| 175 | Haig to Linlithgow: First Report on Political Conditions in UP under the New Constitution | 7 | 346 |
| 176 | Linlithgow to Zetland on the Need of HMG Giving Authoritative Interpretation of the Statute | 7 | 350 |
| 177 | Cabinet Discussion on the Proposed Statement by the Secretary of State for India to be made in Parliament | 7 | 351 |
| 178 | Zetland's Statement on Congress and Provincial Governments | 8 | 353 |
| 179 | Pant to Rajendra Prasad on Breakdown of Negotiations with the Governor | 8 | 361 |
| 180 | B.R. Ambedkar's Statement on the 'Constitutional Impasse' | 9 | 362 |
| 181 | Linlithgow to Zetland on Tegart's Note on Problem of Detenus in Bengal | 9 | 368 |
| 182 | Linlithgow to Zetland on Media-Projected Plea for Linlithgow-Gandhi Interview | 9 | 368 |
| 183 | Lothian's Letter to the 'Times' Refuting Gandhi's Statement | 9 | 370 |
| 184 | Lothian to Gandhi: An Appeal to Congress to Take Over Responsibility Without Asking for an Assurance | 9 | 371 |

| | | | |
|-----|--|----|-----|
| 185 | Lothian to Sapru on Special Responsibilities of the Governor | 9 | 373 |
| 186 | Linlithgow to Brabourne for Publicity and Propaganda Against the Congress | 10 | 375 |
| 187 | Gandhi's Reply to Lothian's Appeal | 11 | 379 |
| 188 | Sapru to Iswar Datt on Constitutional Invalidity of Congress Demand for Assurance | 11 | 380 |
| 189 | M.N. Roy on Congress Goals | 11 | 382 |
| 190 | Zetland to Linlithgow on Adopting a Hardline Approach Towards Congress | 12 | 383 |
| 191 | Khare to CP Governor on Convening of the Legislative Assembly and Election of Speaker | 13 | 386 |
| 192 | Linlithgow to Zetland Urging not to Take Note of Gandhi's Proposal | 14 | 387 |
| 193 | Secretary of State to Governor-General on Keith's Criticism of the Official Stand Regarding Safeguards | 14 | 388 |
| 194 | Birla to Lothian on Latter's Statement on Indian Political Impasse | 15 | 389 |
| 195 | Linlithgow to Erskine on the Need to Inform District Officers About the Government Stand | 16 | 391 |
| 196 | Gandhi's Cable on Congress Stand Sent from Wardha on 14 April 1937 | 16 | 393 |
| 197 | Linlithgow to Zetland on Stand Taken by Keith and Others on Constitutional Impasse | 16 | 394 |
| 198 | Use of Military Forces in Aid of Civil Power Under the New Constitution | 16 | 395 |
| 199 | Government of CP to Khare Declining Request for Calling the Meeting of Legislative Assembly | 17 | 397 |
| 200 | Erskine to Linlithgow on Inadvisability of Governors Indulging in Anti-Congress Propaganda | 17 | 398 |
| 201 | Governor's First Fortnightly Report on Political Situation in NWFP | 17 | 399 |
| 202 | Baden-Powell Assents to Eliminate 'Bande Mataram' from 'Scouting for Boys in India' | 18 | 402 |
| 203 | Jogendra Singh to Lothian: Stresses Shifting of Focus on Improving Economic Condition in India | 18 | 403 |
| 204 | Note by J.M. Ewart on Deterioration of Administration in UP | 19 | 404 |

| | | | |
|-----|--|-------|-----|
| 205 | Resolutions of the Provincial Ahrar Conference on its Attitude Towards Congress and Constitution | 20 | 405 |
| 206 | Sapru to Lothian on His Appreciation of Political Situation in India | 19 | 406 |
| 207 | Hasrat Mohani for Conditional Cooperation of Muslims with Congress | 22 | 408 |
| 208 | Muhammad Iqbal to Jinnah: Suggests Convening of Muslim Convention | 22 | 410 |
| 209 | Gandhi on Propriety of Assurance | 22 | 410 |
| 210 | Secretary of State to Viceroy on the Need to Give Congress Opportunity of Reconsidering Situation | 22 | 412 |
| 211 | Governor-General to Secretary of State on Functioning of Minority Governments | 23 | 413 |
| 212 | Haig to Linlithgow: Second Fortnightly Report on Political Condition in UP | 23 | 418 |
| 213 | Nehru on the Role and Nature of Congress and its Attitude Towards Muslims | 25 | 424 |
| 214 | Jinnah's Statement Objecting to Congress Dealing with Individual Muslim Legislators | 26 | 428 |
| 215 | Rajendra Prasad's Reply to Jinnah on Congress and its Approach Towards Muslims | 26 | 429 |
| 216 | Congress Working Committee Resolutions on Government View on Assurances and other Matters | 26-29 | 430 |
| 217 | Linlithgow to Erskine: Appreciation of Erskine's Suggestion Regarding Investigation into the Conduct of Troops | 27 | 433 |
| 218 | Jute Mill Strike: Statement by the Indian Jute Mills Association | 29 | 436 |
| 219 | Memorandum of Secretary of State to the Cabinet on Political Situation in India | 29 | 439 |
| 220 | Zetland to Erskine on Parleying with Gandhi | 30 | 445 |
| 221 | Tagore's Upholding of Jute Workers Demands as Reasonable | 30 | 446 |
| 222 | Appreciation of the Political Situation in India Submitted by the Secretary of State to the British Cabinet | 30 | 447 |
| 223 | Lothian to Birla: An Advice to Congress to Abandon the Idea of Getting Pledges | 30 | 450 |
| 224 | Chief Secretary's Report on Political Events in Bihar During Second Half of April 1937 | 30 | 451 |

ABSTRACTS OF DOCUMENTS

(May)

| | | | |
|-----|--|---|-----|
| 225 | Rafi Ahmed Kidwai on Communal Campaign | 2 | 454 |
| 226 | Nehru's Circular for Non-Participation in Coronation and other Imperialist Functions | 2 | 454 |
| 227 | Zetland to Linlithgow: Reports to Cabinet about Congress Attitude | 3 | 455 |
| 228 | Khare's Circular Summoning CP Legislators on Governor's Failure to Convene Assembly | 3 | 457 |
| 229 | Nehru Supports Jute Mill Strike in Calcutta | 4 | 458 |
| 230 | Indian Civil Liberties Union on Release of Political Prisoners | 4 | 460 |
| 231 | NWFP Governor's Report on Coalition Ministry and Role of Congress in the Province | 4 | 461 |
| 232 | Nawab of Chhatari's Reply to Pant's Invitation to Attend the Legislator's Meet | 4 | 463 |
| 233 | Discussion of British Cabinet on the Importance of Close Contact Between the Governors and Congress in Provinces | 5 | 463 |
| 234 | Gandhi to Carl Heath on Ending the Deadlock | 5 | 467 |
| 235 | Patel on Congress Plan of Action in Congress Majority Provinces | 5 | 468 |
| 236 | Hyde Gowan to Linlithgow on Functioning of Ministry in Central Provinces | 6 | 470 |
| 237 | Zetland's Statement on Safeguards | 6 | 473 |
| 238 | Haig to Linlithgow on the State of Uncertainty Regarding Congress Intention | 7 | 475 |
| 239 | Gandhi's Interview to Associated Press of India on Congress Stand | 7 | 480 |
| 240 | Zafar Ali Khan to Jinnah on Keeping Muslims Away from the Congress | 7 | 481 |
| 241 | A.K. Fazlul Huq's Assurance to Jute Mill Workers | 7 | 482 |
| 242 | Pant to Nawab of Chhatari on Working of the Interim Ministry | 7 | 484 |
| 243 | Raghavendra Rao to Khare: Refutes the Validity of Summoning the Meeting of Legislative Assembly | 8 | 485 |
| 244 | Gowan to Linlithgow on Congress Refusal to Accept Office | 8 | 487 |
| 245 | H.W. Emerson to Viceroy: Report on Political Situation in the Punjab | 8 | 489 |
| 246 | Sikandar Hayat Khan's Statement in the Assembly on Constitutional Safeguards | 8 | 490 |
| 247 | League's Resolution on Conditional Coalition with Congress | 8 | 492 |

| | | | |
|-----|---|----|-----|
| 248 | Zetland to Linlithgow on Congress Attitude | 9 | 493 |
| 249 | Purushottam Das Tandon to the Secretary to the Governor, UP, on Convention's Resolution | 10 | 494 |
| 250 | Linlithgow to Zetland for Active Liaison With Congress Members of Assemblies | 13 | 495 |
| 251 | Hallett's Note to Viceroy on Kisan Movement in Bihar | 14 | 496 |
| 252 | Haig to Linlithgow on His Reply to Babu Purushottam Das Tandon | 16 | 508 |
| 253 | Fortnightly Report for the Central Provinces and Berar for the First Half of May 1937 | 16 | 511 |
| 254 | UP Cabinet on Party Organisation | 16 | 518 |
| 255 | Nawab of Chhatari to Sapru on His Political Predicament | 17 | 519 |
| 256 | Gandhi to Agatha Harrison on Congress Stand | 17 | 520 |
| 257 | Gandhi to Rajagopalachari on His Views | 17 | 521 |
| 258 | Sapru to M.R. Jayakar on Political Situation | 18 | 522 |
| 259 | Linlithgow to Brabourne on Alternative Courses of Action | 18 | 523 |
| 260 | Erskine to Linlithgow Regarding Reaction to Secretary of State's Speech in the House of Lords | 18 | 536 |
| 261 | Memorandum by the Government of India on Indian Provincial Elections | 19 | 542 |
| 262 | AICC Newsletter on Congress Success in the Elections | 20 | 547 |
| 263 | Haig to Linlithgow: Broad Endorsement of Viceroy's Views and Conclusions on Political Crisis in India | 21 | 548 |
| 264 | Linlithgow to Zetland on New Initiatives by the Government | 21 | 553 |
| 265 | Jinnah's Demand for Equal Status for Muslims in Fight for Freedom | 22 | 557 |
| 266 | Emerson to Linlithgow on Congress Arrogance and Unionist Party's Rural Reconstruction Programme | 22 | 558 |
| 267 | Linlithgow to Haig on His Opposition to Minority Ministry Resigning Before Convening of the Legislature | 22 | 570 |
| 268 | Gandhi to Jinnah on Unity | 22 | 572 |
| 269 | Asaf Ali to Jinnah on Muslims and Congress | 23 | 573 |

| | | | |
|-----|---|--------|-----|
| 270 | Erskine to Linlithgow on Viceroy's Proposed Statement and Other Constitutional Issues | 24 | 576 |
| 271 | Haig to Linlithgow: Fortnightly Report on Political Conditions in UP | 24 | 579 |
| 272 | Deputy Commissioner's Letter on Conversation with Khare | 24 | 584 |
| 273 | Gowan to Linlithgow on Viceroy's View of the Constitutional Position | 24 | 585 |
| 274 | Hallett to Linlithgow: General Agreement with the Objectives of Government Policy Enunciated by Viceroy | 25 | 591 |
| 275 | Cunningham to Linlithgow: Endorses Viceroy's Line of Action Towards Congress | 26 | 599 |
| 276 | Brabourne to Linlithgow: On Viceroy's Appreciation of the Political Situation | 26 | 601 |
| 277 | Hubback to Linlithgow: Regarding General Objectives of Government Policy | 27 | 604 |
| 278 | Governor of Madras to Viceroy on Rajagopalachari's New Formula | 27 | 608 |
| 279 | Viceroy to Secretary of State on Governors Special Responsibilities | 28 | 608 |
| 280 | Viceroy to Secretary of State on Rajagopalachari's New Move for Rapprochement | 28 | 609 |
| 281 | Jinnah to Asaf Ali: Doubts Intentions of the Congress | 28 | 612 |
| 282 | Iqbal to Jinnah on a Free Muslim State | 28 | 613 |
| 283 | Nawab of Chhatari to Sapru on Political Situation in UP | 30 | 614 |
| | | (June) | |
| 284 | Aga Khan to Linlithgow on Linkage Between U.S.S.R. and Left-Wing Congress | 1 | 617 |
| 285 | Gandhi Urges Governors to Demand Ministers' Resignation in Event of Differences | 2 | 617 |
| 286 | Srinivas Rao to Jayaprakash Narayan on Congress Policy Towards Office Acceptance | 2 | 619 |
| 287 | Graham to Linlithgow on Political Situation in Sind | 5 | 620 |
| 288 | Brabourne to Linlithgow on Impossibility of Relying on Jinnah | 5 | 623 |
| 289 | Socialist Party on Imperialist Design to Divide the Congress | 5 | 626 |
| 290 | 'Congress Socialist' on Bengal-Nagpur Railway Strike | 5 | 627 |

| | | | |
|-----|--|----|-----|
| 291 | Zetland to Linlithgow on Comments by 'The Statesman' | -6 | 628 |
| 292 | Zetland to Linlithgow on Detenus in Bengal | 6 | 630 |
| 293 | Zetland to Linlithgow Regarding the Release of Detenus by the Bengal Government | 6 | 631 |
| 294 | Zetland to Linlithgow on Policy of Securing Acceptance of Office by the Congress | 6 | 631 |
| 295 | Jayakar to Polak on Gandhi's Weakened Formula | 7 | 633 |
| 296 | Patel to Rajendra Prasad on Gandhi's Clarification of Congress Demand | 7 | 634 |
| 297 | Rafi Ahmed Kidwai to J. B. Kripalani on Rajaji's Views Regarding Office Acceptance | 7 | 635 |
| 298 | Linlithgow to Provincial Governors on Appreciation of Government's Line of Action After Deadlock with Congress | 9 | 637 |
| 299 | Cunningham to Laithwaite: Fortnightly Report on Ministerial Position in NWFP | 9 | 642 |
| 300 | Rajendra Prasad to J. B. Kripalani on Proposed Agreement with Jinnah | 10 | 645 |
| 301 | Erskine to Linlithgow on Possibility of Governors and Ministers Working in Harmony under the Constitution | 10 | 646 |
| 302 | Khare Requests Governors to Call Assembly Session | 11 | 648 |
| 303 | Governor of Madras to Viceroy: Report of Interview with Rajagopalachari | 11 | 648 |
| 304 | Gandhi to Rajagopalachari on Birla's Letter | 11 | 650 |
| 305 | Zetland to Linlithgow on Reaction to His Speech in India | 13 | 651 |
| 306 | Linlithgow to Anderson on Release of Political Prisoners | 13 | 653 |
| 307 | Lord Stanley's Speech on Governor's Attitude Towards Ministers | 14 | 655 |
| 308 | Erskine to Linlithgow on Edward Stanley's Speech | 16 | 656 |
| 309 | Viceroy to Secretary of State: Wishes His Draft Statement to Stand Unmodified | 16 | 657 |
| 310 | Viceroy to all Governors (Except Madras) on Understanding Rajagopalachari's Attitude | 16 | 659 |
| 311 | CP Governor to Khare on Resolution of No-Confidence | 17 | 660 |
| 312 | Lothian to Edward on Evolving a More Acceptable Draft Formula | 17 | 661 |
| 313 | Khare to Banerjee Seeking Governor's Assurance | 18 | 662 |

| | | | |
|-----|--|----|-----|
| 314 | Syed Wazir Hasan's Plea for Muslims Joining the Congress | 20 | 663 |
| 315 | Muhammed Iqbal to Jinnah on Separate Federation of Muslim Provinces | 21 | 664 |
| 316 | Linlithgow's Statement on Governors Position | 21 | 666 |
| 317 | Essak Sait Urges Jinnah to Refute Wazir Hasan's Statement | 22 | 668 |
| 318 | Linlithgow to Erskine on Sending Profiles of Ministers In-charge of Law and Order | 23 | 668 |
| 319 | Confidential Appreciation of the Political Situation and Coronation Celebrations in India | 23 | 669 |
| 320 | Chhatari to Haig: Explains the Position of the Interim Government <i>vis-a-vis</i> the Congress | 23 | 671 |
| 321 | Haig to Linlithgow on General Opinion Among Congressmen in Favour of Office Acceptance | 23 | 672 |
| 322 | Nehru's Statement on Viceroy's Speech About Political Deadlock | 24 | 678 |
| 323 | Linlithgow to Zetland: Informs about the Reaction in India to His Statement | 24 | 681 |
| 324 | Gandhi to Lothian on Political Situation | 24 | 683 |
| 325 | Erskine to Linlithgow on Rajagopalachari's New Demand | 25 | 685 |
| 326 | Viceroy to Erskine on Rajagopalachari's Stand | 25 | 685 |
| 327 | Viceroy to All Governors (Except Madras): Regrets Rajagopalachari's Attitude | 25 | 686 |
| 328 | Viceroy to All Governors (Except Madras): Circulation of Rajagopalachari's Letter to Erskine | 25 | 686 |
| 329 | Linlithgow to Gowan Expressing Government's Anxiety on CWC's Attitude | 25 | 687 |
| 330 | Viceroy to Madras Governor: Advises Not to go Beyond His Statement in Interview with Rajagopalachari | 25 | 688 |
| 331 | Erskine to Linlithgow on Rajagopalachari's Comments on Viceroy's Statement | 26 | 689 |
| 332 | Zetland to Linlithgow on Gandhi's Latest Formula | 28 | 690 |
| 333 | Birla to Findlater Stewart: Urges Government to be Ready with Some Formula to Help Congress to Accept Office | 28 | 693 |
| 334 | Secretary of State to Viceroy on Desai and Birla Formulae <i>vis-a-vis</i> Congress Demand | 28 | 694 |
| 335 | L.S. Wilcock to Laithwaite on Confidential Profile of Maulvi Latifur Rahman, Minister of Orissa | 29 | 695 |

| | | | |
|-----|--|-----|-----|
| 336 | Khaliq-uz-Zaman's Appeal to Nehru to Prevent League from Falling into the Hands of Communal Reactionaries in UP Assembly | 29 | 696 |
| 337 | Viceroy to Secretary of State:Reiterates Position Taken in His Statement | 30 | 699 |
| 338 | Viceroy to Secretary of State: Wishing His Draft Statement to Stand Unmodified | 30 | 700 |
| 339 | Brabourne to Linlithgow on Futility of Meeting Kher | 30 | 701 |
| | (July) | | |
| 340 | Nehru to Khaliq-uz-Zaman on Congress Stand on Communal Problems | | 702 |
| 341 | Indian Civil Liberties Union Bombay on Repressive Action Taken by Government | | 704 |
| 342 | Linlithgow to Zetland on Question of Office Acceptance | | 708 |
| 343 | Jinnah's Denial of Nehru's Charge | 2 | 710 |
| 344 | Nehru's Statement on Non-fulfilment of Assurance to Bengal Jute Mill Strikers | 3 | 712 |
| 345 | M.N. Roy to Gandhi Urging Congress to Accept Office | | 713 |
| 346 | Nehru's Statement on Jinnah's Grievances | 5 | 714 |
| 347 | Congress Working Committee's Decision for Office Acceptance | 5-8 | 716 |
| 348 | Hyde Gowan to Linlithgow on Office Acceptance | 6 | 718 |
| 349 | Gandhi's Speech at Working Committee, Wardha, on Congress Stand Regarding Office Acceptance | 7 | 724 |
| 350 | Cunningham to Laithwaite on the Impact of Congress Decision to Accept Office in NWEF | 10 | 725 |
| 351 | Rajendra Prasad's Rejoinder to Jinnah Regarding his Formula on Communal Settlement | 11 | 726 |
| 352 | Linlithgow to Erskine on the Need for Tackling Congress Ministries Tactfully | 13 | 727 |
| 353 | Nehru on Significance of the Congress Resolution Regarding Office Acceptance | 12 | 728 |
| 354 | Linlithgow to Governors on Organisation of Provincial Secretariats Under the New Constitution | 12 | 729 |
| 355 | Zetland to Linlithgow on Making a Final Effort with Congress on Acceptance of Office | 12 | 731 |
| 356 | Memorandum by Secretary of State Circulated to Cabinet on Decision of Congress to Accept Office | 12 | 733 |

| | | | |
|-----|--|----|-----|
| 357 | Lothian to Gandhi Congratulating Him on the Decision of the Congress to Follow the Constitutional Role | 13 | 738 |
| 358 | Nehru to Gandhi: Expressing Concern Over Communal Propaganda in Sherwani's Election | 13 | 738 |
| 359 | Laithwaite to Croft Forwarding a Note by Ewart on the Background to AICC Meeting at Wardha | 13 | 740 |
| 360 | Governor-General to All Governors on the Policy Regarding their Presiding Over Cabinet Meetings | 13 | 743 |
| 361 | Cabinet Discussion on Congress Resolution to Accept Office | 14 | 744 |
| 362 | Linlithgow to Zetland on Desirability of Governors Normally Presiding Over Cabinet Meetings | 15 | 745 |
| 363 | Linlithgow to Anderson on Adhering to the General Policy in Respect of the Release of Detenus | 16 | 747 |
| 364 | Haig to Linlithgow: Favours Policy of Release of Prisoners on Individual Consideration | 16 | 748 |
| 365 | Telegram from Linlithgow to Erskine: Communicates Cabinet's Appreciation on Congress' Decision of Accepting Office | 16 | 750 |
| 366 | Mahadev Desai to Ghanshyamdas Birla: Provides Background Information on Congress Acceptance of Office | 16 | 750 |
| 367 | Nawab of Chhatari to Linlithgow on the Policy of Congressmen | 17 | 751 |
| 368 | Viceroy to Provincial Governors of Bombay, Bengal and Central Provinces Regarding his Intention to Meet Gandhi | 19 | 752 |
| 369 | Brabourne to Linlithgow About the Profile of Ministers in Bombay | 19 | 753 |
| 370 | Pant to Nehru on Cabinet Formation and Activities in UP | 19 | 755 |
| 371 | Hubback to Linlithgow on the Profiles of Ministers in Orissa | 20 | 757 |
| 372 | Pant to Nehru on Difficulty of Including Ibrahim in the Cabinet | 20 | 758 |
| 373 | Nehru's Statement Regarding Jinnah-Rajendra Prasad Formula for Settling Hindu-Muslim Question | 20 | 760 |

| | | | |
|-----|--|-----|-----|
| 374 | Gandhi on the Code of Conduct for Ministers | 21 | 761 |
| 375 | Telegram from Governor-General to Secretary of State on Possible Reactions of Meeting with Gandhi | 21 | 762 |
| 376 | Nehru to Rajendra Prasad: Move Towards Forming League-Congress Ministry | 21 | 763 |
| 377 | Haig to Linlithgow on Ministry's Composition and Release of Political Prisoners in UP | 21 | 769 |
| 378 | Gowan to Linlithgow on Gandhi's Role in Making Nehru and Others Agree to Office Acceptance | 21 | 774 |
| 379 | Telegram from Secretary of State to Governor-General on Viceroy's Meeting Gandhi | 22 | 779 |
| 380 | Viceroy to Erskine on Hoisting of Congress Flag on Chief Minister's Residence and Public Buildings | 23 | 779 |
| 381 | Viceroy to Erskine on Government's Position Regarding Flying of Congress Flag on Municipal Buildings | 24 | 780 |
| 382 | Linlithgow to Brabourne on Governors' Right to Preside over Cabinet | 25 | 780 |
| 383 | Sapru to Lothian on Political Situation after Office Acceptance | 26 | 782 |
| 384 | Jinnah's Rejoinder to Rajendra Prasad Regarding Alternative Agreement | 26 | 783 |
| 385 | Anderson to Linlithgow on Detenus in Bengal | 27 | 787 |
| 386 | Nehru Explains Karachi Resolution Regarding Salaries and Living Wages For All | 27 | 799 |
| 387 | Telegram from Zetland to Linlithgow Appreciating Viceroy's Meeting Gandhi | 28 | 802 |
| 388 | Gandhi to Nehru on Meeting with Viceroy and Jhansi Election | 30 | 802 |
| 389 | CPI Resolution on the Congress Ministries | uly | 803 |

(August)

| | | | |
|-----|---|---|-----|
| 390 | Mahadev Desai to Birla on Working of Congress Ministries and Impending Meeting of Gandhi with Viceroy | 1 | 808 |
| 391 | Pant's Statement on Government's Policy | 2 | 811 |
| 392 | Linlithgow to Zetland Regarding Governor Presiding Over Cabinet Meetings | 2 | 816 |

| | | | |
|-----|--|----|-----|
| 393 | Viceroy to Madras Governor on Gandhi's Proposed Interview | 2 | 818 |
| 394 | Nixon to Laithwaite on Reduction of Pay in the Services | 3 | 819 |
| 395 | Tagore's Concern for Andaman Prisoners | 3 | 819 |
| 396 | Viceroy's Note on his Conversation with Gandhi | 4 | 821 |
| 397 | Subhas Bose's Statement Urging Bengal Government for Release of Andaman Prisoners | 4 | 828 |
| 398 | Laithwaite to Stewart on Gandhi-Viceroy Meeting | 5 | 829 |
| 399 | Brabourne to Linlithgow on Performance of the Ministry | 5 | 833 |
| 400 | Erskine to Linlithgow on Working of Madras Ministry | 5 | 838 |
| 401 | Haig to Linlithgow on Composition of UP Cabinet and Political Problems Facing the Government | 6 | 841 |
| 402 | Bombay Government's Note on Release of Political Prisoners | 6 | 846 |
| 403 | Hallett to Linlithgow on the Transfer of Bihar Prisoners | 7 | 847 |
| 404 | Madras Governor to Viceroy on Resolution for Constituent Assembly | 7 | 849 |
| 405 | Nehru's Call for All India Demonstration on the Andaman Day | 7 | 850 |
| 406 | Pant to Nehru on Urgent Tasks Before UP Cabinet | 7 | 851 |
| 407 | Gandhi's Plea for His Refusal to Interfere in the Selection of Ministers | 7 | 856 |
| 408 | Nehru Re-affirms Purna Swaraj as Congress Goal | 10 | 858 |
| 409 | Viceroy to Secretary of State on Bombay Governor's Discussion With Kher and Munshi | 10 | 859 |
| 410 | Viceroy to Bombay Governor About Bengal Governor's Disallowing of Motion on Constituent Assembly | 10 | 860 |
| 411 | Viceroy to Bombay Governor Regarding Repatriation of Andaman Prisoners on Hunger Strike | 11 | 861 |
| 412 | Nehru on Congress Stand on Federation | | |
| 413 | Linlithgow to Gowan on CP Ministers' Approach to Problems of Social Contact and Services | 12 | 861 |
| | | 12 | 862 |

| | | | |
|-----|--|----------|-----|
| 414 | Telegram from Viceroy to Secretary of State Regarding Communist Interness | 12 | 865 |
| 415 | Congress Socialist Party's Resolution on Struggle for a Constituent Assembly | 14 | 866 |
| 416 | Proceedings of Working Committee Meeting Regarding Working of Congress Ministries | 14-17 | 867 |
| 417 | Gandhi's Telegram to Rabindranath Tagore on Andaman Prisoners | 16 | 874 |
| 418 | Zetland to Linlithgow on Treatment of Hunger Strikers | 16 | 874 |
| 419 | Sapru to Lothian on Federation | 16 | 875 |
| 420 | Hallett to Linlithgow on Harmonious Relations with Ministers | 17 | 876 |
| 421 | Viceroy to Governor of Bombay Expressing His Views on 'Bande Mataram' | 17 | 881 |
| 422 | Linlithgow to Zetland on Andaman Prisoners | 19 | 883 |
| 423 | Anderson to Linlithgow on Student Agitation and Andaman Detenus | 19 | 884 |
| 424 | Nehru's View on Federal Government | 21-23 | 887 |
| 425 | R.S. Ruikar on Congress Indifference to Labour Problems | 22 | 888 |
| 426 | Cunningham to Laithwaite on Internal Political Issues in NWFP | 24 | 890 |
| 427 | Linlithgow to Gowan on Government Policy Regarding Flying of Congress Flag on Government Buildings | 25 | 893 |
| 428 | Linlithgow to Brabourne on Suspicion Among Ministers About Senior Civil Servants | 25 | 894 |
| 429 | Linlithgow to Zetland on Adjournment Motion on Andaman Situation | 26 | 895 |
| 430 | Gandhi's Telegram to Viceroy Appealing to Andaman Prisoners to Abandon Hunger Strike | 27 | 896 |
| 431 | Linlithgow to Haig on Kanpur Strike and Release of Political Prisoners | 28 | 897 |
| 432 | Chief Commissioner Andamans to Government of India About Suspension of Hunger Strike by Prisoners | 29 | 899 |
| 433 | Haig's Note to Pant Expressing Apprehension about Violence in UP | 29 | 901 |
| 434 | Haig to Linlithgow on the Gravity of Developments in UP | 30 | 903 |
| | | (August) | |
| 435 | Gandhi's Telegram to Andaman Prisoners | | 904 |

| | | | |
|-----|---|-------------|-----|
| 436 | Allah Bakhsh's Speech Demanding a Constituent Assembly | 31 | 905 |
| 437 | Released Political Prisoners' Statement on Press Report | 31 | 908 |
| 438 | Rajagopalachari's Speech on Constituent Assembly | 31 | 909 |
| 439 | President Mysore Congress Board to Secretary AICC Regarding Repressive Policy of the State Government | 31 | 913 |
| | | (September) | |
| 440 | Nehru to N. Ramamurti on Denial of Civil Liberties in Mysore State | 1 | 914 |
| 441 | Gandhi to Viceroy Requesting Unconditional Release of Andaman Prisoners | 1 | 915 |
| 442 | Linlithgow to Gandhi Declining Request for Release of Prisoners | 2 | 915 |
| 443 | Rajagopalachari to Munshi on the Separation of the Executive from Judiciary | 3 | 917 |
| 444 | Gandhi on His Meaning of Office Acceptance | 4 | 917 |
| 445 | Note of Discussion at Simla on Congress Propaganda and Communist Movement in Bombay | 6 | 920 |
| 446 | Robert Reid to Linlithgow on Assam Situation and Unrest in Naga Hills | 6 | 925 |
| 447 | Cunningham to Linlithgow on Situation in NWFP and Formation of Congress Ministry | 6 | 927 |
| 448 | Haig to Linlithgow on the Increase of Communist and Terrorist Influence in Kanpur | 6 | 930 |
| 449 | Viceroy to Secretary of State on Behaviour of Government Servants Towards Congress Flag and 'Bande Mataram' | 7 | 936 |
| 450 | Bhulabhai Desai's Interview With Viceroy Regarding Political Situation | 7 | 937 |
| 451 | Anderson to Linlithgow About Release of Andaman Political Prisoners | 7 | 940 |
| 452 | Linlithgow to Zetland on the Effect on Bengal Government of the Return of Andaman Prisoners | 9 | 943 |
| 453 | Linlithgow to Zetland on His Contact With Leaders of Political Groups Including Muslim League and Congress | 9 | 944 |
| 454 | Linlithgow to Zetland on Release of Communist Prisoners | 9 | 946 |

| | | | |
|-----|--|----|-----|
| 455 | Laithwaite to Steward Forwarding a Note on Interview Between the Viceroy and Satyamurti on Political Situation | 9 | 946 |
| 456 | Gopinath Bardoloi to Rajendra Prasad on Political Situation in Assam | 10 | 949 |
| 457 | Tara Singh to Sikandar Hayat Khan on Suppression of Sikhs | 10 | 950 |
| 458 | Linlithgow to Hallett on Intelligence Report of Some Congress Units Parallel Government | 12 | 953 |
| 459 | Viceroy to Governor of Bombay Permitting Use of the Term 'Prime Minister' | 13 | 955 |
| 460 | Commissioner of Police, Baroda, to Manager Huzur Political Office Transmitting Speeches of Nehru and Patel | 15 | 955 |
| 461 | Carl Heath to Nehru About Desirability of His Meeting With Linlithgow | 15 | 958 |
| 462 | W. B. Brett, Chief Secretary, Bihar Government to Home Secretary, Government of India, Forwarding Resolution on Constituent Assembly | 16 | 961 |
| 463 | Rajendra Prasad to Patel on the Prospects of Forming Congress Ministry in NWFP | 17 | 962 |
| 464 | Zetland to Linlithgow on Tendency of Some Governors to Refrain From Interference | 18 | 965 |
| 465 | Zetland to Linlithgow Approving Policy Regarding Congress Flag and 'Bande Mataram' | 21 | 966 |
| 466 | Emerson to Linlithgow on Undesirability of Holding Delhi Durbar Without Ensuring Attendance by Congress Ministers | 22 | 966 |
| 467 | Linlithgow to Emerson on Adoption of New Procedures in the Assemblies | 23 | 968 |
| 468 | Erskine to Linlithgow on Holding Delhi Durbar | 24 | 969 |
| 469 | Hallett to Linlithgow Correcting False Impression Created by Intelligence Reports Against Congressmen in Bihar | 25 | 971 |
| 470 | Roger Lumley to Linlithgow: Impressions About B. G. Kher | 25 | 974 |
| 471 | Nehru on the Role of Kanpur Workers | 27 | 977 |
| 472 | Rajendra Prasad to Patel on Difficulties Faced by Congress Ministries in UP and Bihar | 28 | 983 |

| | | | |
|-----|---|-----------|------|
| 473 | Emerson to Linlithgow on Political and Communal Situation in Punjab | 28 | 986 |
| 474 | Sapru to Subbarayan on Working of Congress Ministries | 28 | 989 |
| 475 | Nehru to Mirza Ismail on Suppression of Civil Liberties in Mysore State | 30 | 992 |
| | | (October) | |
| 476 | Nehru to Chief Commissioner, Delhi, Regarding Seizure of Independence Day Pledge by the Police | 1 | 993 |
| 477 | Deputy Secretary, UP, to Home Secretary Forwarding Resolution on Constituent Assembly | | 994 |
| 478 | Alington to Bartan Cautioning Against Strong Line of Action Towards Congress in Small States | 5 | 995 |
| 479 | Nehru to Gopichand Bhargava on Intensive Repression in Punjab | 5 | 996 |
| 480 | Hallett to Linlithgow on Working of Congress Ministry in Bihar | 5 | 997 |
| 481 | Nehru to Political Secretary to Maharaja of Orchha on Insulting National Flag | 6 | 1001 |
| 482 | Anderson to Linlithgow on Repatriation of Andaman Prisoners and Tenancy Reforms in Bengal | | 1001 |
| 483 | Representation to AICC on Plight of Hindu Minorities in East Bengal | | 1002 |
| 484 | Iqbal to Jinnah Insisting on League Having no Compromise on Amending the Communal Award | 7 | 1005 |
| 485 | UP Governor to Viceroy on Congress Ministry's Proposal for Khaddar Uniforms | | 1007 |
| 486 | Representation to AICC Regarding Attitude of Bengal Congress Legislators to Tenancy Amendment Bill | 8 | 1008 |
| 487 | Mirza Ismail to Nehru on State Government's Attitude Towards Congress Activities | 8 | 1010 |
| 488 | Political Secretary, Orchha, to Nehru Denying Disrespect to Congress Flag and Beating of Volunteers | 9 | 1011 |
| 489 | Mirza Ismail to Nehru on Civil Liberty in Mysore State | 9 | 1012 |
| 490 | Cunningham to Laithwaite on Possible Repercussions of Nehru's Visit to NWFP | 9 | 1013 |
| 491 | Rajendra Prasad to Patel on Differences Between Orissa Governor and Ministry on Appointment of a High Court Judge | 10 | 1015 |

| | | | |
|-----|--|----|------|
| 492 | Sarat Bose to Nehru Clarifying Congress Legislators' Attitude to Bengal Tenancy Bill | 10 | 1017 |
| 493 | Lumley to Linlithgow on Attitude of Congress Ministers and Gandhi Towards Labour Trouble in Bombay | 12 | 1018 |
| 494 | Nehru on Unionist Ministry's Repression on Congress Workers in Punjab | 12 | 1021 |
| 495 | Haig to Linlithgow on Allahabad University Affairs Including Hoisting of Congress Flag | 15 | 1024 |
| 496 | Linlithgow to Haig on Kanpur Situation and Khaddar Uniforms Issues | 15 | 1027 |
| 497 | Jinnah's Presidential Address at the Lucknow Session of Muslim League | 15 | 1031 |
| 498 | Note Regarding the Attitude of Datia State Towards Congress Activities | 16 | 1039 |
| 499 | Nehru on Civil Liberties in Different Parts of India | 17 | 1041 |
| 500 | Subhas Bose to Nehru on 'Bande Mataram' | 17 | 1044 |
| 501 | UP Government Report About Shia Muslims' Attitude to Congress | 18 | 1044 |
| 502 | Nehru to Mirza Ismail on Congress Policy Towards Indian States | 19 | 1045 |
| 503 | Gandhi to Jinnah Expressing Distress Over His Speech at Lucknow | 19 | 1048 |
| 504 | Rafi Ahmed Kidwai's Statement Rebutting Fazlul Huq and Jinnah's Allegations | 19 | 1048 |
| 505 | M.N. Roy to Lovestone Explaining Reasons for His Joining Congress | 19 | 1050 |
| 506 | Nehru to Subhas Bose on 'Bande Mataram' and Bengal Politics | 20 | 1053 |
| 507 | Emerson to Linlithgow on Estrangement Between Congress and Muslims After Lucknow Session | 21 | 1056 |
| 508 | NWEP Governor's Report to Viceroy on Nehru's Visit | 23 | 1062 |
| 509 | Gandhi on Civil Liberties | 23 | 1065 |
| 510 | Haig to Linlithgow on Muslim League's Communal Lead | 24 | 1067 |
| 511 | Linlithgow to Haig on Congress Flag at State Functions | 25 | 1070 |
| 512 | Carl Heath to Linlithgow on Desirability of Meeting Between Viceroy and Nehru | 25 | 1071 |
| 513 | Linlithgow to Zetland on Muslim Agitation Against 'Bande Mataram' | 27 | 1072 |

| | | | |
|-----|---|-------|------|
| 514 | Erskine to Linlithgow on Effect of Congress Ministry's Policy on Lawyers and Government Servants | 27 | 1073 |
| 515 | Linlithgow to Zetland on the Significance of Muslim League's Policy of Consolidating Muslims | 27 | 1075 |
| 516 | Zetland to Linlithgow Expressing Concern over Left Wing Subversive Movement | 27 | 1077 |
| 517 | Barindra Kumar Ghose to Zetland on Better Ties Between India and Britain | 28 | 1077 |
| 518 | Linlithgow to Haig on the Significance of Muslim League Meeting at Lucknow | 28 | 1079 |
| 519 | Linlithgow to Cunningham Appreciating Khan Sahib's Attitude Towards Social Contact | 28 | 1081 |
| 520 | Congress Working Committee's Ratification of Office Acceptance and Recommending Repeal of Repressive Laws | 26-31 | 1083 |
| 521 | Congress Working Committee on 'Bande Mataram' | 28 | 1089 |
| 522 | Nehru's Speech at the AICC Session in Calcutta on Congress Ministries and 'Bande Mataram' | 30 | 1091 |
| 523 | Mysore Resident's Report on Political Agitation Against Mysore Government | 30 | 1096 |
| | (November) | | |
| 524 | Lumley to Linlithgow on Removal of Ban on Communists in Bombay | | 1099 |
| 525 | Iqbal to Jinnah Seeking Clarification About Jinnah-Sikandar Agreement | | 1103 |
| 526 | Ramsay Scott to Laithwaite on Kanpur Labour Trouble | | 1104 |
| 527 | Political Sufferers' Conference on Release of Political Prisoners | | 1105 |
| 528 | Bihar Landlords on Attitude of the State Government | | 1107 |
| 529 | Haig to Pant on Congress Campaign Against the Police | | 1109 |
| 530 | Zetland to Linlithgow on the Need for Emergency Ordinance | | 1111 |
| 531 | Zetland to Linlithgow on the Necessity for an Amending Bill on Federation | | 1111 |
| 532 | Nehru to Khare on Decisions in AICC Meeting at Calcutta | | 1112 |
| 533 | Nehru to Mirza Ismail Explaining Congress Approach on Problems in Mysore | | 1114 |

| | | | |
|-----|---|----|------|
| 534 | Jinnah to Gandhi: Finds Nothing Constructive in Gandhi's Letter | 5 | 1118 |
| 535 | Hubback to Linlithgow on Minister's Visits to Other States | 6 | 1119 |
| 536 | Andaman Prisoners Seeking Gandhi's Help for their Comrades | 7 | 1121 |
| 537 | Erskine to Linlithgow on the Congress Working Committee Meeting at Calcutta | 8 | 1122 |
| 538 | Proceedings of Bihar Council of Ministers Regarding Agrarian Tension in Some Areas | 9 | 1123 |
| 539 | Anderson's Memorandum of Conversation with Gandhi on Andaman Prisoners and Tenancy Problems | 9 | 1125 |
| 540 | Nehru to Narendra Dev on Serious Communal Situation in UP | 9 | 1128 |
| 541 | Cunningham to Laithwaite on Political Situation and Functioning of Ministers in NWFP | 10 | 1129 |
| 542 | Iqbal to Jinnah on Sikandar Hayat Khan's Bid to Capture the Muslim League | 10 | 1133 |
| 543 | Chief Secretary, UP Government, to District Magistrates on Establishing Cordial Relations with Congress Leaders | 10 | 1134 |
| 544 | Linlithgow to Zetland Regarding Consensus About AICC's Control Over Ministries' Policy at Calcutta Meeting | 11 | 1135 |
| 545 | Linlithgow to Zetland on Increased Anti-Federation Activities of Congress | 11 | 1136 |
| 546 | Hallett to Linlithgow on Kisan Movement in Bihar | 11 | 1137 |
| 547 | Gandhi's Objections to AICC Resolutions Criticising Congress Ministers and Mysore | 13 | 1140 |
| 548 | Nehru's Reply to Gandhi on Latter's Comments on AICC's Resolutions on Mysore | 14 | 1141 |
| 549 | Linlithgow to Haig Expressing Concern Over Laxity in Governor's Role in UP Affairs | 15 | 1143 |
| 550 | Haig to Linlithgow on Misleading Impression About the Political Situation in UP | 17 | 1149 |
| 551 | Anderson to Linlithgow on Detenus Policy in Bengal | 17 | 1151 |
| 552 | Boag to Laithwaite Enclosing Copies of Statements by Two Andaman Prisoners After Release | 17 | 1154 |
| 553 | Laithwaite to Provincial Governors on Flying Flag Half-Mast in Memory of a Political Leader | 19 | 1155 |
| 554 | Gandhi on Bengal Government's Communique on Progressive Release of Detenus | 19 | 1156 |

| | | | |
|-----|---|----|------|
| 555 | Ewart on Internal Conflicts Within Congress Working Committee | 20 | 1157 |
| 556 | Viceroy to Emerson: Seeking Reaction on the Lucknow Agreement in Punjab | 20 | 1158 |
| 557 | Congress Socialist Party's Criticism About Persecution of Leftist Workers in Ahmedabad | 20 | 1159 |
| 558 | Gandhi to Nazimuddin on Departure From Assurances Regarding Release of Detenus | 21 | 1160 |
| 559 | Gandhi's Statement on Bengal Government's Decision Regarding the Release of Detenus | 22 | 1161 |
| 560 | Zetland to Linlithgow on Some Princes Consulting Congress on the Alternative Scheme of Federation | 22 | 1163 |
| 561 | Bihar Governor's Note for Discussion in Council on Proposal for Release of Remaining Detenus | 22 | 1164 |
| 562 | Linlithgow to Hallett on Release of Detenus | 22 | 1186 |
| 563 | Rajendra Prasad to Nehru on Proposed Legislation Regarding Agrarian Problem in Bihar | 23 | 1188 |
| 564 | Nazimuddin to Gandhi Declining Permission to Other Leaders to Interview Prisoners | 24 | 1189 |
| 565 | Nehru's Circular to Members of Working Committee on Need of a Policy on Vital Issues | 24 | 1190 |
| 566 | Nehru to Pant on Ministries Turning Counter-Revolutionary | 25 | 1194 |
| 567 | Secretary of State's Appreciation of Political Situation in India | 26 | 1195 |
| 568 | UP Governor to Viceroy on Action Against Ex-Kakori Prisoner Parmanand | 27 | 1199 |
| 569 | Gandhi Seva Sangh Resolution Combating Tendency of Violence Among Workers | 27 | 1200 |
| 570 | Pant to UP Governor for Using Special Responsibility in Ordering Action Against Parmanand | 28 | 1203 |
| 571 | Ewart's Note on His Visit to Lucknow and Kanpur | 28 | 1204 |
| 572 | UP Governor to Viceroy on Showing no Resilience in Action Against Parmanand | 29 | 1208 |
| 573 | Zetland to Linlithgow on Implications of Increased Congress Activities in States | 29 | 1210 |
| 574 | Nehru to Rajendra Prasad on AICC Resolutions | 29 | 1210 |
| 575 | Patel's Speech at Kurai Emphasising that Real Power Lies in People | 30 | 1211 |

| | (December) | |
|---|------------|------|
| 576 Lumley to Linlithgow on K.M. Munshi | 1 | 1215 |
| 577 Views of Gandhi and Nehru on Congress Control Over Ministries | 1 | 1216 |
| 578 Emerson to Linlithgow on Sikandar Hayat Khan's Standing with Muslim League | 3 | 1217 |
| 579 Linlithgow's Report on His Talk With Birla Regarding Detenus and Federation | 3 | 1219 |
| 580 Birla to Mahadev Desai on His Meeting With Viceroy | 4 | 1222 |
| 581 Hallett to Linlithgow on Kisan Agitation in Bihar | 5 | 1225 |
| 582 Rajendra Prasad to Patel on the Need for Unity in the Working Committee | 6 | 1232 |
| 583 Linlithgow to Emerson on Sikandar's Relations with Muslim League | 6 | 1233 |
| 584 Mainwaring to Laithwaite on Release of Political Prisoners in Bihar | 7 | 1235 |
| 585 Viceroy to Secretary of State on Ewart's Visit to Bihar | 9 | 1238 |
| 586 Mahadev Desai on Congress Governments and Labour Strikes | 11 | 1240 |
| 587 Linlithgow to Provincial Governors on Release of Political Prisoners | 11 | 1241 |
| 588 Pant to Haig Expressing Concern over Parmanand's Case | 11 | 1242 |
| 589 Haig to Pant on Difficulties in Reconsidering Parmanand's Case | 11 | 1243 |
| 590 Hallett to Linlithgow on Brett's Circular Insisting on Written Orders to Officials | 12 | 1245 |
| 591 Jairamdas Doulatram to Nehru Regarding AICC Resolution on Mysore State | 12 | 1249 |
| 592 UP Governor to Governor-General on Prosecution of Parmanand | 12 | 1250 |
| 593 Governor-General to Secretary of State on Amendments in Act Regarding Federal Fiscal Matters | 12 | 1251 |
| 594 UP Governor to Governor-General on Controversy with Ministry Regarding Paramanand's Case | 13 | 1259 |
| 595 Subhas Bose to Nehru for Adoption of First Two Paragraphs of 'Bande Mataram' as National Anthem | 13 | 1262 |

| | | | |
|-----|---|------|------|
| 596 | Haig to Linlithgow on Action to be Taken in Event of Ministry Resigning on Parmanand's Issue | 14 | 1263 |
| 597 | Linlithgow to Haig on Line of Action Regarding Release of Political Prisoners | 15 | 1265 |
| 598 | Robert Reid to Linlithgow on Disquieting Position of the Ministry | 16 | 1268 |
| 599 | Emerson to Linlithgow on Little Activity of Government Supporters in the Countryside | 18 | 1273 |
| 600 | Bombay Workers Urge Lifting of Ban on the Communist Party | 19 | 1275 |
| 601 | Hallett to Linlithgow on Kisan Agitation in Bihar | 20 | 1276 |
| 602 | Secretary of State Memorandum to Cabinet on Crisis Over Parmanand's Prosecution in UP | Dec. | 1277 |
| 603 | Mirza Ismail to Nehru Appreciating His Speeches | 21 | 1282 |
| 604 | Khare to Nehru on Declaring 26th January as a Public Holiday | 21 | 1283 |
| 605 | Erskine to Linlithgow Regarding Ministry's Handling of Matters Falling in Governor's Discretion | 21 | 1284 |
| 606 | Rajendra Prasad to Patel on Agrarian Legislation and Situation in Bihar | 21 | 1285 |
| 607 | Secretary of State: Appreciation of Political Situation in India | 21 | 1287 |
| 608 | Linlithgow to Emerson on Necessity of Propaganda by Government Supporters in Punjab and Controversy Around Parmanand | 22 | 1290 |
| 609 | Haig to Linlithgow on Crisis over Parmanand's Prosecution | 24 | 1292 |
| 610 | Nehru on Rani Gaidilieu of Assam | 28 | 1296 |
| 611 | Rajendra Prasad to Nehru on AICC Resolution on Mysore State | 24 | 1297 |
| 612 | Linlithgow to Haig Expressing Unhappiness About UP Government Circular Requiring Officials to Maintain Liaison with Congressmen | 24 | 1299 |
| 613 | Nehru's Circular Asking Congressmen to Observe 9 January 1938 as China Day | 25 | 1302 |
| 614 | Nehru to Mohammad Ismail Khan Deprecating Muslim League's Communal Propaganda Against Congress | 26 | 1302 |
| 615 | Zetland to Linlithgow on Prosecution of Parmanand | 28 | 1307 |

| | | | |
|-----|---|----|------|
| 616 | Erskine on the Improved Political Situation in the Madras Presidency | 29 | 1307 |
| 617 | Rajkumari Amrit Kaur Women's Participation in Political Activities | 30 | 1309 |
| 618 | UP Government's Warning to Political Enthusiasts Against Display of Indiscipline | 30 | 1310 |

*Gandhi's Concept of Swaraj*¹*Harijan, 2 January 1937*

Let there be no mistake about my conception of Swaraj. It is complete independence of alien control and complete economic independence. So at one end you have political independence, at the other economic. It has two other ends. One of them is moral and social, the corresponding end is *Dharma* i.e. religion in the highest sense of the term. It includes Hinduism, Islam, Christianity, etc., but is superior to them all. You may recognize it by the name of Truth, not the honesty of expedience but the living Truth that pervades everything and will survive all destruction and all transformation. Moral and social uplift may be recognized by the term we are used to, i.e. non-violence. Let us call this the square of *Swaraj*, which will be out of shape if any of its angles is untrue. In the language of the Congress we cannot achieve this political and economic freedom without truth and non-violence, in concrete terms without a living faith in God and hence moral and social elevation.

By political independence I do not mean an imitation of the British House of Commons, or the Soviet rule of Russia or the Fascist rule of Italy or the Nazi rule of Germany. They have systems suited to their genius. We must have ours suited to ours. What that can be is more than I can tell. I have described it as *Ramraj* i.e. sovereignty of the people based on pure moral authority. The Congress constitutions² of Nagpur and Bombay, for which I am mainly responsible, are an attempt to achieve this type of *Swaraj*.

Then take economic independence. It is not a product of industrialization of the modern or the Western type. Indian economic independence means to me the economic uplift of every individual male and female by his or her own conscious effort. Under that system all men and women will have enough clothing—not the mere loin cloth, but what we

¹ M.K. Gandhi's speech delivered on 27 December 1936 at the opening ceremony of the Congress Exhibition during the session of the Indian National Congress at Faizpur.

² The Constitution of the Indian National Congress was adopted at the Nagpur (1918) and Bombay (1920) sessions.

understand by the term necessary articles of clothing—and enough food including milk and butter, which are today denied to millions.

This brings me to socialism. Real socialism has been handed down to us by our ancestors who taught, "All land belongs to Gopal, where then is the boundary line? Man is the maker of that line and he can therefore unmake it."

सभी भोम गोपाल की, वामें अटक कहाँ?
जाके मनमें खटक रही, सोही अटक रहा।

Gopal literally means shepherd; it also means God. In modern language it means the State i.e. the people. That the land today does not belong to the people is too true. But the fault is not in the teaching. It is in us who have not lived up to it.

I have no doubt that we can make as good an approach to it as is possible for any nation, not excluding Russia, and that without violence. The most effective substitute for violent dispossession is the wheel with all its implications. Land and all property is his who will work it. Unfortunately the workers are or have been kept ignorant of this simple fact.

Let us now see how India came to be utterly impoverished. History tells us that the East India Company ruined the cotton manufacture and by all kinds of means made her dependent upon Lancashire for her cloth, the next great necessity of man. It is still the largest item of import. It thus created a huge army of partially unemployed men and women counted in millions and gave them no other employment in return. With the destruction of hand-ginning, carding, spinning and weaving to a certain extent, perished the other industries of India's villages. Continuous unemployment had induced in the people a kind of laziness which is most depressing. Thus whilst the alien rule is undoubtedly responsible for the growing pauperism of the people, we are more responsible for it. If the middle class people, who betrayed their trust and bartered away the economic independence of India for a mess of pottage, would now realize their error and take the message of the wheel to the villagers and induce them to shed their laziness and work at the wheel, we can ameliorate the condition of the people to a great extent. It would be a terrible thing if laziness replaces industry and despair triumphs over hope.

The parliamentary programme is in the air. It has come to stay and rightly. But it cannot bring us independence. Its function is strictly limited, though quite necessary. Its success will prevent the Government

from claiming that ordinance rule or any measure restricting our progress to the goal was sanctioned by popular representatives. Hence the necessity for voters voting for the Congress candidates who dare not vote for unpopular measures without being liable to Congress discipline. The success of that programme may also bring some relief in individual cases such as the release of Shri Subhas Bose or the detenus. But that is not independence, political or economic.

Then look at it in another way. Only a limited number of men and women can become members of legislatures, say 1,500. How many from this audience can become legislators? And just now no more than $3\frac{1}{2}$ crores can vote for these 1,500 members. What about the remaining $31\frac{1}{2}$ crores? In our conception of *Swaraj* they are the real masters and the $3\frac{1}{2}$ crores are the former's servants who in their turn are masters of the 1,500. Thus the latter are doubly servants, if they will be true to their trust.

But the $31\frac{1}{2}$ crores have also a trust to discharge towards themselves and the nation of which they as individuals are but tiny parts. And if they remain lazy, know nothing of *Swaraj* and how to win it, they will themselves become slaves of the 1,500 legislators. For my argument the $3\frac{1}{2}$ crores of voters here belong to the same category as the $31\frac{1}{2}$ crores. For if they do not become industrious and wise, they will be so many pawns in the hands of 1,500 players, it is of little consequence whether they are Congressmen or otherwise. If the voters wake up only to register their votes every three years or more and then go off to sleep, their servants will become their masters.

The only way I know to prevent such a catastrophe is for the 35 crores to be industrious and wise. This they can only be, if they will take up the spinning wheel and the other village industries. They will not take to them unintelligently. I can tell you from experience that the effort means adult education of the correct type and requires possession of patience, moral fibre and a scientific and practical knowledge of the industry the worker seeks to introduce in the village of his choice.

In such a scheme the spinning wheel becomes its centre. If you call it the solar system, the wheel becomes the golden disc and the industries the planets revolving round it in obedience to the inviolable law of the system. When the Sun lost its illuminating power by the action of the East India Company, the planets lost their power and became invisible or almost so. The Sun is being reinstated in his past status now and the planets are regaining their motion in exact proportion to the strength of the Sun.

Now perhaps you will understand the meaning and the message of the *Charkha*. I said in 1920 that if the Congress truly and successfully worked the programme laid down in 1920 including the fourfold

constructive programme of khadi, communal unity, prohibition of intoxicants and removal by Hindus of untouchability, the attainment of *Swaraj* within a year was a certainty. I am neither sorry for nor ashamed of having made that declaration. I would like to repeat that declaration before you today. Whenever the fourfold programme is achieved in its fulness, you can have *Swaraj* for the asking. For you will then have attained the power to take it. Just think for a moment where the *Charkha* stands today in your faith or action. Is the mutual secret assassination of Bombay³ a sign of communal unity? Where is total prohibition? Have the Hindus rid themselves of untouchability root and branch? One swallow does not make a summer. Travancore's great proclamation⁴ may be the beginning of the end, but it is not the end. If we remove the untouchability of Harijans, but treat Mussalmans or others as such, we have not removed the blot. "All land belongs to God" has a deeper meaning. Like the earth we, of it, also belong to God, and hence we must all feel like one and not erect boundary walls and issue prohibition decrees against one another.

This is the non-violent way in action. If we could fulfil this programme, there would be no need to offer civil disobedience, there would certainly be no need to do violence. Thirty-five crores of people conscious of their numerical strength as one man would be ashamed of doing violence to 70,000 white men in India, no matter how capable they are of dealing destruction and administering poison gas to millions in a moment. The *Charkha* understood intelligently can spin not only economic salvation but can also revolutionize our minds and hearts and demonstrate to us that the non-violent approach to *Swaraj* is the safest and the easiest. Though the progress may seem slow, it will prove quickest in the long run.

Believe me if Jawaharlal is not in jail today, it is not because he is afraid of it. He is quite capable of walking into prison doors as of mounting the gallows with a smile on his lips. I do not think I have lost the power or faith in the efficacy of such suffering. But there is no issue for it today as far as I can see. But what I feel is that all that suffering can be avoided if by united faith and will we achieve the constructive programme. If we can, I promise that we won't need to struggle with or against the British nation, but Lord Linlithgow will come to us and own that he was mistaken in his disbelief of our non-violence and truth and will undertake on behalf of his nation to abide by our decisions. Whether he

³ Refers to Hindu-Muslim riots of October 1936.

⁴ A Royal Proclamation known as Travancore Temple Entry Proclamation, issued on 12 November 1936, threw the government temples in Travancore State open to all irrespective of caste or community.

JANUARY 1937

does or not, I am working towards that end and no other. "All belongs to God."

सभी भोम गोपाल की।

*Jawaharlal Nehru's Circular to PCCs on
Faizpur Congress Resolutions*

AICC F. No. P-1/1937-38

ALLAHABAD,
2 January 1937

The Faizpur Congress is over and now we have to set down to work to carry out the directions of the Congress. . . . Particular attention should be invited to the following resolutions:

1. ELECTIONS AND CONSTITUENT ASSEMBLY

This resolution, as embodying the Congress policy in regard to the elections,¹ should be clearly explained and the implications of the Constituent Assembly to frame a constitution for a free India pointed out. It should be stated that this Constituent Assembly is very different from an All-Party Conference². It will be a grand Panchayat of the nation, elected of an adult franchise, meeting when the reality of power has already shifted to the people so that they can give effect to their decisions without any interference from outside authority. It will be the only proper method of establishing a free democratic State for which the Congress stands.

2. CONVENTION

The idea of this convention should be explained. It is not a substitute for the Constituent Assembly but a preparation for it, as well as for a disciplined and effective fight against the Federal structure and the rest of the new Act.³

¹ Elections were held for Provincial Assemblies in 1937.

² An All-Parties Conference was convened at Delhi on 26 February 1928 to draft a constitution for India.

³ The Government of India Act, 1935, retained the subordination of the Government of India to the British Parliament, through the Secretary of State, to whom the Viceroy was responsible and it provided for a federation of British India and Princely States, a dyarchic executive at the centre and provincial autonomy.

TOWARDS FREEDOM

3. SUPPRESSION OF CIVIL LIBERTIES AND DETENUS

This suppression and the Detenu question must always be emphasized before the public so that a strong public opinion against them should be built up.

4. AGRARIAN PROGRAMME

Although this is a provisional programme, it has great importance and the vast body of our rural electors and others will appreciate it. It should therefore find prominent place in our election campaign, especially in rural areas.

5. WAR DANGER AND FRONTIER POLICY

The importance of preparing the public mind on the possibility of imperialist war and our resistance to it must always be kept in view. This requires widespread and ceaseless propaganda. As for the Frontier Policy of the Government, there is little realization of the injury this has done, and is doing, to India as well as her trans-border neighbours. It is desirable, therefore, that the public should realise this danger and injury.

6. NON-PARTICIPATION IN THE CORONATION⁴ AND OTHER IMPERIALIST FUNCTIONS

This resolution is important and it is essential that all Congressmen should always keep it in mind. No Congressman can take part in any official or semi-official functions which go to strengthen British imperialism. In doubtful cases it is better to err on the side of non-participation than on the other side. In such cases reference can be made to our office.

Special attention must be drawn to the possibility of coronation functions being held here. Every such function, whatever it may be, must be avoided. Probably there will be no coronation celebrations in India for many months, but it is nevertheless desirable to educate public opinion on this subject from now onwards.

7. HARTAL ON APRIL 1ST

The *hartal* which the Congress has fixed for April 1st is intimately connected with our agitation against the new Act. It should therefore be made a part of our election campaign and the country should be fully prepared for it. Detailed directions for it will probably be issued later but the general idea of this *hartal* should be popularised from now onwards. . . .

Jawaharlal Nehru
President

⁴ The coronation of George VI, the King Emperor of India, took place on 12 May 1937.

JANUARY 1937

*M.A. Jinnah on United Front of
Hindus and Muslims¹
Star of India, 2 January 1937*

“Hindus and Muslims should present a united front; they must stand together and work together for the welfare of your province and for the freedom of our motherland,” declared Mr. M.A. Jinnah, M.L.A., President of the All-India Muslim League.

Explaining the objective of the League Mr. Jinnah said it stood for independent and progressive ideas. Their desire was to send out the best representatives in the new legislatures who would cooperate with other progressive groups for the uplift, progress and freedom of the motherland. His advice to Muslim as also to the sister communities was to produce by a process of hammering finesteel and weed out those obstructing their march to freedom.

Mr. Jinnah was sure that better minds among both the communities would work their way in achieving the common goal. He emphasised that their duty was to ensure that every section of the people of the country was raised to a higher standard and said that there was no hope of progress so long as they had, amidst them, people who neglected or remained useless units of the country.

Stressing the need for the uplift of members of the depressed classes whom the speaker looked upon as equals, he said that he did not bother about the question of temple entry and did not desire to encroach upon the sentiments of orthodox people but wanted to remind them that it was their duty that each community secured proper place in the political life of the country.

¹ Speech delivered at Nagpur on 1 January 1937

*Hindus and Elections: Bhai Parmanand's
Presidential Address (Extract)¹
The Justice, 2 January 1937*

The elections are the topic of the day. As you know the country is on the threshold of the introduction of a new system of government.

¹ Bhai Parmanand's Presidential address at the Sind Provincial Hindu Conference on 31 December 1936 at Sukkur, Sind.

There are three different political parties in India and each of them looks upon this new system from a different point of view. One is the Congress party, the second the Liberals and third the Hindu Sabha group. Before I begin to discuss their viewpoints, I wish you to remember that the existence of the parties representing different schools of political thought is the most essential feature of Parliamentary government. The democratic system of government whether real or unreal, implies freedom of thought with its corollary, a system of parties.

The Congress is evidently a movement for the attainment of freedom or self-government for the country and taking it as such the Congress should be above all parties. Such indeed is the position which the Congress once occupied in the imagination of the people, and its leaders even now assert that it still continues to occupy the same position. There is no doubt that with Mahatma Gandhi's coming into the field of action (whether his methods were right or wrong is a different question) the Congress was raised to the level of a real national movement. He revolutionized the whole system of political agitation in this country. Before his appearance, however it should be admitted that the Congress was a party of constitutional agitators aspiring for self-government in the country. A new constitution aiming at the establishment of a sort of responsible government for the country is now being introduced. The leaders of the Congress have now decided to go back to the old position and take part in the working of this constitution. It may be with the object of wrecking it that they want to enter the Assemblies.

From this change of policy it is quite clear that the Congress is now completely departing from its principles of non-cooperation and civil-disobedience. These with its determination of entering the legislatures and a setting itself up against the other parties seeking entry therein, the Congress ceases to be a national movement and reduces itself to the position of a political party with a particular creed, based upon some peculiar political theories. Besides the Congress, as I said above, the Liberal League and the Hindu Sabha are the two other parties. All these three are agreed on one thing as their first goal. It is the attainment of complete responsible government for India which in the words of Abraham Lincoln, is the government of the people, by the people and for the people. But as soon as we come to discussion of the means of acquiring this, we at once enter upon a field of controversy. The Congress party even after its repeated failures still believes in revolutionary methods. The Liberals believe in the evolutionary process which is more clearly expressed in the term, *Responsive* cooperation. According to Hindu Sabha group the strengthening and organising of the Hindus is the first necessity for marching towards the common goal. Unity is

strength, Hindu unification is the preliminary step towards Hindu-Muslim unity. Thus according to this theory *Shakti* is real *Swaraj*.

I have intentionally left out of account Pandit Jawaharlal's utopian theories as being altogether beyond the scope of practical politics. He and his followers seem to despise to look upon this earth and earthly questions in the spirit of practical politics. They are always soaring high in heavens and planning schemes which have no bearing on our present condition.

It has become a habit with us to blame the third party for every ill we meet within India. We never try to look within ourselves but always look outside and place every blame on others. We frequently hear it said that our subjection is due to foreign interference and wherever there is communal tension, we say that the third party is responsible for it. It is quite true that the foreign bureaucracy for its own stability follows the policy of divide and rule, which has been recommended from very ancient times to be adopted by all governments, whether native or foreign. As long as we stand divided and are weak, all our attempts to gain our political ends are sure to fail. Now therefore the question is: How to combat this policy and remedy its evil effects. It is no use saying that this communal tangle will continue as long as we have a third party in the country and in order to bring about communal unity we must first get rid of this third party. Such a view is born out of a confusion of ideas. This agreement puts us in a vicious circle. As long as the communal tension continues, there can be no self-government and as long as the foreign government continues there can be no unity. This kind of agreement in a circle takes us nowhere. Again we know that there is no third party in China. China has a government of its own but it is going down every day and in spite of all efforts by the patriots it is a victim to internecine wars and troubles. Spain is another instance. For so many months a horrible civil war has been going on in Spain, has resulted in ruin, massacres and bloodshed. Yet we know that there is no third party in China or in Spain. The cause of the disease is in the people themselves and it is the lack of that national character which is essential for the building up of a nation. It may be true that foreigners do interfere in their affairs but it is the lack of that character that allows this interference by foreigners.

The Congress from its very start has set before itself Hindu-Muslim unity as its aim. It has tried every possible means to achieve that unity. It has tried to do so even at the cost of the Hindus. It tried to bribe the Muslims in innumerable ways and went to the extent of offering them blank cheques. It became ready to give up our national name Hindus, to give up national language Hindi and even give away all our traditions and our national History and our literature in order to bring the Muslim

community to its side. The efforts of the Congress have met with complete disappointment and utter failure and now instead of Hindu-Muslim unity we are face to face with Anglo-Muslim alliance and the isolation of the Hindus. Why is that so? Simply because the Congress adopted an utterly wrong policy and followed utterly wrong methods. The true remedy lay in quite different direction. The unification of the Hindus was the first step and only the right course to bring about Hindu-Muslim unity. The Muslims would have been tempted to join the Hindus, if they had seen Hindus themselves united and strong, otherwise with whom were they to unite? How could they unite with Congressmen who themselves were non-Hindus? Hindu "Sangathan" therefore is the "sine-quo non" of Hindu-Muslim unity.

SPECIAL PRIVILEGES AS PRICE FOR UNITY

We blame the government for introducing separate electorates in this country. It may be true that the government induced the Muslims and even the depressed classes to demand the separate electorates. I come to the same view again that if the leaders of the Muslims or those of the depressed classes had possessed sufficient intelligence and strong national character, they would have stood against this temptation and the government would have got no excuse or reason to introduce separate representation. The Congress instead of directing its every effort to the creation of real national character was trying to undermine that character by offering special privileges as a price for unity.

Is therefore the government alone to be blamed for this evil? The Congress is no less liable to their blame. Thus when the Congress offered to accept Muslim demands as bribe to get the Muslims on its side, the government too offered them higher bribes and as the gift of special privileges was in the hands of the government, the Muslim leaders entered into a pact with the government. Under these circumstances the question is—what are the Hindus to do? My answer is that they have no course left open to them except to organise and strengthen themselves.

.... The Congress theory is that they are sending Congressmen into the legislatures for wrecking the constitution and for setting up a Constituent Assembly for preparing a new constitution for India. The past experience of the Congress as well as all reasons go against this theory. The Swaraj party was formed with a similar object.

However, my chief objection to this theory stands on another ground. Even admitting that even some provinces in which the Hindus are in a majority and in which the Congress could get a majority in legislatures, the Congress party might do something to tackle with the constitution. I fail to understand how the Congress party could even think of making

any such attempt in provinces, where the Hindus are in minority and in which the number of Congress members can in no case exceed one-fifth of the total number of members. And if it be acknowledged that they would be simply helpless in such a legislature, why should the Congress Parliamentary Board create a serious split among the Hindus in these provinces and make them incur an expenditure of thousands and lakhs only to gratify the whims of the Congress party? Now another experiment is before us. The Congress party by means of its bluffing succeeded in capturing almost all the Hindu seats in the Central Assembly, but what has it done? Have they succeeded in fulfilling any promise made to the people. I say none. Their work in Assembly is very much the same as that of the other parties in the last Assembly. Some of the Congress members made loud speeches and a section of the press applauded their work by saying that they had defeated the government so many times but it should be remembered that similar speeches were made in the previous Assembly and similar defeats inflicted on the government, and the government in spite of these speeches and defeats went on as merrily as before. There was not the least symptoms of wrecking the constitution.

*Nehru on Celebration of
Independence Day*

Home Department (Political)
F. No. 1/4/1937

ALIAHABAD,
2-11 January 1937

I write to remind you of the approach of January 26th—Independence Day. The fact of elections must not come in the way of this important celebration. Indeed the celebration should help us in our election work. In the event of polling actually taking place in some places on that day, suitable variations in the manner of celebrations should be made, but in any event the day must be celebrated. To permit of local variations no detailed directions are being sent, and local committees can frame their own programmes. The essential part of it is the holding of a meeting in the afternoon or evening and the repetition, by those attending, of the independence pledge of 1930 with certain inevitable variations. The last

paragraph of this pledge relating to civil disobedience has been left out, and a few lines added at the end¹.

In the morning, there should be a formal hoisting of the national flag, with appropriate ceremony. Householders and shopkeepers should also be encouraged to put up or hang national flags. An attempt should be made to have these celebrations on an extensive scale, so as to reach even remote villages.

A copy of the pledge is enclosed.

[ENCLOSURE]

11 January 1937

We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any government deprives a people of these rights and oppresses them, the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses, and has ruined India economically, politically, culturally and spiritually. We believe therefore that India must sever the British connection and attain *Purna Swaraj* or Complete Independence.

India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day and of the heavy taxes we pay, 20 per cent are raised from the land revenue derived from the peasantry and 3 per cent from the salt tax, which falls most heavily on the poor.

Village industries, such as hand-spinning have been destroyed, leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts and nothing has been substituted as in other countries for the crafts thus destroyed.

¹ The deleted paragraph read. We hold it to be a crime against man and God to submit any longer to a rule that has caused this fourfold disaster to our country. We recognise, however, that the most effective way of gaining our freedom is not through violence. We will, therefore, prepare ourselves by withdrawing, so far as we can, all voluntary association from the British Government, and will prepare for civil disobedience, including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help and stop payment of taxes without doing violence, even under provocation, the end of this inhuman rule is assured. We, therefore, hereby solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing *Purna Swaraj*.

The lines added are: We, therefore, pledge, ourselves afresh to this great cause of India's freedom and the ending of the exploitation of our people and resolve to work to this end, till success come to our people.

Customs and currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods constitute the bulk of our imports. Customs duties betray clear partiality for British manufacturers, and revenue from them is used not to lessen the burden on the masses but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the exchange ratio which has resulted in millions being drained away from the country.

Politically, India's status has never been so reduced as under the British regime. No reforms have given real political power to the people. The tallest of us have to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us and many of our countrymen are compelled to live in exile abroad and cannot return to their homes. All administrative talent is killed and the masses have to be satisfied with petty village offices and clerkships.

Culturally, the system of education has torn us from our moorings and our training has made us hug the very chains that bind us.

Spiritually, compulsory disarmament has made us unmanly and the presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance, has made us think that we cannot look after ourselves or put up a defence against foreign aggression, even defend our homes and families from the attacks of thieves, robbers and miscreants.

We therefore pledge, ourselves afresh to this great cause of India's freedom and the ending of the exploitation of our people and resolve to work to this end, till success come to our people.

*Vallabhbhai Patel on the Importance of
Faizpur Session¹*

The Hindu, 3 January 1937

"The Maharashtra Provincial Congress had to work against heavy odds, both nature and some anti-Congress elements in that province putting obstacles in their way, but Faizpur was a tremendous success of the first experiment of the village Congress, and all those who scoffed have been effectively silenced" said Sardar Vallabhbhai Patel, Chairman of the Parliamentary Board, in an interview, summing up his impression of the Faizpur session.

¹ Vallabhbhai Patel's Press interview in Bombay on 1 January 1937.

"Its effect in rural areas in Maharashtra will last for years—millions of villages have taken active interest in the great national organisation which they had worshipped in the past from a distance and for whose cause they had made tremendous sacrifices. Maharashtra has reasons to be proud of the splendid organising capacity disclosed during the Congress week by a number of willing workers, both men and women, which is an eye opener. That Maharashtra is thoroughly Congress-minded has been effectively demonstrated, and I have no doubt that the successful demonstration will be repeated at the polls in February on the polling day."

*Jinnah on 'Third Party'*¹

Star of India, 4 January 1937

Mr. M.A. Jinnah was loudly cheered when he rose to deliver his presidential speech in English in the course of which he said:

"... The Muslim League is the only Muslim political organization that counts, I appeal to Muslims to join and make it a strong and really representative Parliament of Muslim India, a body that may speak with unchallenged authority on behalf of the 80 million Muslims of this subcontinent. Do not be led away by the cries of "Hunger" and *Dal Bhat*. You must remember that nobody in the world can solve the fundamental economic, financial and social problems of a country overnight.

"Gentlemen, I find in this province too much interference of the Hindu and the Congress in Muslim affairs. I warn the Hindus; I warn the Congress. Leave the Muslims of Bengal alone 'Allah-o-Akbar'. Our policy and programme is not a selfish one. We are ready and willing to cooperate with any group of progressive and independent character provided its policy and programme approximately correspond with that of our own. We are not going to be camp followers of any party.

"Mr. Jawaharlal Nehru is reported to have said that there are only two parties in India—the Government and the Congress—and others must line up. I refuse to line up with the Congress, I refuse to accept this proposition. There is a third party in this country and that is Muslim India.... We are willing as equal partners to come to a settlement with our sister communities in the interest of India...."

¹ Speech delivered in Calcutta on 3 January 1937.

8

*Viceroy to Secretary of State on the
Postponement of Royal Visit to India
(Extract)*

L/PO/10/14

5 January 1937

Telegram No-31 C. Private and personal. Your private and personal telegram dated 1st January No. 4. Durbar. It is a help to know reasons for the King's hesitations. In the light of what you now tell me, and of earlier doubts which you have expressed as regards possible reception which Their Majesties might receive, I have, consequent on our budget discussion on 2nd January, again reviewed the whole situation with a view to considering whether there is any case for advising postponement for another year or any modification in general line on which we have been working.

2. I have taken advantage of presence here of Grigg, Sircar, Zafrullah Khan, and Craik to sound them all, and I have had a confidential discussion with Anderson.

3. The analysis which follows is intended to put you fully in possession of my mind and of situation as I see it here so that you may be equipped for any discussion with the King. You are in best position to judge what parts of information or views contained in this telegram should be emphasised or ignored in your conversations with him. As you will see, I am not inclined to over-estimate possible difficulties, but I can easily conceive that to Their Majesties, given the fact that they have never visited this country and the unhappy memories of the Prince of Wales's tour, matters which you or I might be prepared to face with relative equanimity would prove definitely disturbing.

4. I will deal with the financial position first. I readily understand King's anxiety as to possible adverse criticism and, as you know, the financial aspect is one which has throughout been present to me. You will have seen from our budget telegram that we are faced, making no provision for a Durbar, with a deficit of 1.86 lakhs. I am prepared to work to a figure of Rs. 75 lakhs for total cost to Centre for a Royal visit this year, to include military and civil expenditure. That is secured by exercising all economies consistent with giving Their Majesties a first class show. It involves elimination of claims of a financial character (e.g. in 1900(*sic*) extra pay, &c., to troops for a fortnight cost 23 lakhs and a

corresponding concession would cost at least half as much again to-day), and I would propose, in addition, reduction or elimination of variety of direct or indirect contributions which we made in 1911 to the Provinces in connection with their attendance at the Durbar, totalling about 30 lakhs, and to require Provinces to bear their own costs. Further, I have taken into account additional permanent accommodation and sanitary, lighting, &c., services now available at Delhi, but which had to be improvised in 1911. Much will, of course, depend on extent of any tour by Their Majesties, and my proposals are based on the assumption that they will not exceed in length that of 1911, say five weeks in India, and will not be more elaborate than that suggested in paragraph 7 (C) below. Grigg, though his preference is for postponing, and banking on chance that our financial position will be markedly better next year, thinks that we could hope to scrape together about 75 lakhs from various sources, and, on this basis, I should myself be prepared to take any financial risks involved. I feel myself that there can be no entire certainty, given expenditure on Provincial Autonomy and Federation and ever present possibility of some major and unforeseeable charge, such as earthquake or famine, that we should in fact be better off in 1938-1939, and Grigg accepts the force of this. I attach no political importance to having to meet Durbar expenditure retrospectively in financial year following Durbar, for Durbar will have come and gone. I do, on the other hand, see very considerable objection to linking increases in taxation to Durbar, and Grigg strongly urges at the same time, and, in my view, with force, that it would now be desirable to postpone actual announcement until, say, three weeks after Budget. That would reduce risk of any association of taxation increases with a Royal visit, and, as you say, a further postponement at this stage should do little harm, so long as we are able to make a more detailed and positive statement when the time comes. The deficit which Grigg will have to meet this year is, in fact, one that is wholly unconnected with Durbar and which will have to be met anyhow, and I think if we decide to let 1937-38 visit stand, the line to take in dealing with questions in Budget discussions will be that position in regard to a Royal visit is still uncertain and that no provision has been made for it.

5. As regards political feeling, Sircar, while emphatic that we ought not to give way to Congress or leave even appearance of control of policy in their hands, was disposed to favour postponement till next year. He referred to possible difficulties with Congress Ministries in the event of a general tour, but he was definitely not prepared to face any risk of the King omitting India from his programme should he visit the Dominions, whatever the possible complication with Congress, and he was ready to admit that there was no certainty that political difficulties, such as they are, might not be even greater next year. Zafarullah Khan,

who emphasised the importance of Indian sentiment in the case of the King, was all for ignoring Congress opposition, which, in his view, had little solid foundation or support in Lahore, and Craik shares his view. While, as I explained in my private and personal letter dated 31st December, I cannot yet give you a firm estimate of probable political feeling in a year's time. I think, whatever we do, we shall have to face some Congress criticism. I am definitely in favour of cashing goodwill to Royal House, so abundantly manifested in connection with the abdication; I doubt very much indeed whether Congress will be in a position to give effect to a hartal or boycott on any scale, and I am confirmed in the view expressed in my letter by report I have now seen of discussion at Faizpur Conference on boycott resolution. It appears that Mrs. Chattopadhyaya strongly urged adoption of a much stronger line involving an organised boycott, but was defeated on a division which she challenged by 75 votes to 49. Comment in National Press on resolution has hitherto been non-existent or critical of capacity of Congress to deliver the goods.

6. The possibility of Congress Ministries, particularly in Bombay, is however a strong argument both for a visit next December rather than later and for arrival direct at Delhi by air. By the winter 1938-39 Congress may either feel sufficiently strong to be ready to be a nuisance, or may be so discredited as to seize chance of making face by an organised boycott. I do not think stage will have been reached by next December. Decision as to landing at Bombay could, of course, be taken any time up to next autumn in the light of reports from Brabourne as to local feeling, but I wish to run no risks and at the moment definitely incline to air.

8. I have given you position as I see it. I realise that it is not without difficulty. I realise too that we could find perfectly good public arguments for postponement till 1938-39 on the ground that His Majesty will need time to settle in, and despite long gap which postponement would involve between Coronation and Durbar we could, I think, so long as India was visited first, bridge it. But my considered advice is in favour of 1937-38. I think it of real importance to have a Royal visit; I doubt if such difficulties as it presents will diminish and I would face these now. It is, however, in my view essential that we should know the King's mind without delay, even if announcement is deferred till the middle of March or a little later. Once I have his general approval both of the principle of a visit and, if possible, of outline of the tour, I can start to work out detailed general scheme of arrangements confidentially with Craik, though announcement of Durbar Committee and of contemplated appointment of Clay to act as Home Member will have to be deferred. I hope that you may therefore be able to raise the matter with

His Majesty and get a decision from him. If, before doing so, you wish me to amplify or to give you further information on any points I have dealt with above, I will do my best to, if you will telegraph.

*Harry Haig to Linlithgow on
Election Situation in U.P.*

Linlithgow Papers

CAMP,
January 6th, 1937

[Secret & Personal]

MY DEAR LORD LINLITHGOW,

I am writing my third report on political conditions in the United Provinces in continuation of my letter of December 2nd. During the Christmas holidays I had been rather out of touch with political developments; and even now, as I am in Allahabad, I have not seen the Members of my Government recently. But since I have been here, I have had interesting talks with Sapru and Chintamani. I find they both estimate the probable number of Congressmen in the new Assembly at round about 80. The estimate slowly increases, but still no one seems to anticipate an actual majority for Congress.

During December there were indications that the Hindu-Muslim feeling in the National Agriculturist Party, which I have mentioned before, was becoming more acute, and that it remained very undesirably identified with the reputed rivalry of the Nawab of Chhatari and Sir Jwala Prasad Srivastava for the Chief Ministership. These feelings seem to have been accentuated by the process of selecting party candidates. A belief seemed to prevail rather widely that candidates were being supported because of their general adherence to one or other of the chiefs of the party rather than on their personal merits. Certainly some unfortunate decisions were taken in the selection of candidates, though this was probably inevitable in view of the processes by which they were selected. Now that that very difficult phase is over, it may be hoped that these feelings will tend to subside, and that there will be more evidence of a general desire to support the party candidates against political opponents who make no concealment of their intention to destroy the

landlord position and influence, if not to confiscate their property.

The nominations took place just before Christmas, and within the short period allowed for withdrawals, a large number of withdrawals took place, so that in many constituencies there is now a straight fight between the Congress and non-Congress candidates. There is still, however, in many constituencies a superfluity of candidates which may or may not be reduced before the actual polling. Returning officers had to decide with promptitude a large number of objections to nominations. A few of the decisions have been a little surprising, but it cannot be alleged that on balance the advantage has gone to one side or the other. There is no appeal against the decisions of returning officers, though I notice that some of those aggrieved by the decisions are threatening subsequent election petitions. The unopposed returns include both the Nawab of Chhatari and Sir Jwala Prasad Srivastava, and, as the result of the rejected nomination of a Congress candidate, Raja Maheshwar Dayal Seth, Secretary of the Oudh Party. I do not think any prominent Congressman has been returned unopposed.

I get the impression, though I repeat that I am a little out of touch at the moment, that the Muslims are just now rather happier about conditions than the Hindus. The Muslim League is going through a bad time. Jinnah's patchwork was never likely to stand much strain, and with the approaching elections the riots are appearing in many places. However the Muslims may label themselves for the purposes of the election, whether National Agriculturists, or Independents, or even Muslim Leaguers, I have a feeling that at the end they will form a fairly compact body (save for personal rivalries which will tend to divide them), and that the numbers of those prepared to go in with the Congress will be very small.

On the Hindu side, I think the National Agriculturists of Oudh seem fairly confident. In the Province of Agra, however, where the number of large landlords is smaller, there seems to be a good deal more uncertainty, and it is in the rural constituencies in certain parts of the Agra province that the Congress might secure successes on a scale not at present anticipated.

On the whole the Zamindars have been rather slow in getting to work with their canvassing. I was told that as soon as nominations were over they would start work intensively. Their methods, however, in general differ considerably from those of the Congress. They rely much more on the personal canvassing of those who are supposed to be able to command or influence votes rather than on mass appeals direct to the voters. In some constituencies caste influences form a very important cross current. There are great numbers of the rural electorate who would be inclined to give their votes to a fellow casteman, no matter whether

he were Congress or non-Congress, and among the non-Congress in many cases the insistence of two or three candidates on standing has its basis in caste feelings.

As the election campaign intensifies we begin to hear more about the difficulties of the position of Government servants. There is no doubt that the Congress have been utilising the debates in the Legislative Assembly in order to intimidate Government servants, and create the impression that a Government servant who does anything to displease the Congress is likely to get into trouble. It has also been alleged that a good many subordinate Government servants were quietly giving help to Congress candidates, and we have felt it advisable to issue a circular making it plain that there is not one rule for the Congress and another for everyone else. The main difficulty, however, that seems to be felt in some Government quarters is one which we have recognised for a long time past and tried to deal with by general instructions which we sent out as long ago as last July. The Congress are more and more making their campaign one of attacking and vilifying the present Government. Provided they do not proceed to extreme lengths, Government servants have to stand by and do nothing. This produces, so it is said, a general impression on the public mind that the Government are afraid of the Congress; otherwise they would take steps, by the methods which are so easily open to them, to discourage this type of Congress propaganda. I fear the circumstances in the present election put the Congress in this respect in a very strong tactical position, which they are exploiting to the full. There is nothing in our instructions that we can properly change, and though there may be a certain amount of misunderstanding of our position, particularly among the lower ranks of the police, I do not think on the whole there is any general impression that the Government are unduly favourable to a body which is preaching independence and the destruction of the coming Constitution.

When the elections are over the Congress will have their own difficulties, and these will be, in my opinion, serious, for it does not seem to me that at that stage they can any longer maintain the present superficial appearance of unity, concealing the most fundamental differences of outlook and policy. As for prospects, I would again repeat what I said in my last letter, that noise and press propaganda are not everything at an election. It is part of the election tactics of the Congress to profess an overwhelming optimism. But even where they really feel it, it would seem that they are sometimes disappointed. I have just been reading a letter from the Commissioner of Meerut about the municipal elections that have recently taken place in Hapur. There was extensive betting on the result and a certain Congress candidate was being backed at 5 to 1 on. He was beaten by an opponent with odds of 4 to 1 against,

and it is said that considerable sums of money changed hands. On the other hand, if, as seems probable, the Congress are in a minority, but have 70 to 80 seats and perhaps another 15 sympathisers, it may be a matter of considerable difficulty to secure a Government with sufficient cohesion and ability to function effectively in the face of a strong and enterprising opposition.

Yours sincerely,

HARRY HAIG

IO

*Ersine to Linlithgow: Appreciation of the
Election Situation in Madras*

Linlithgow Papers

GOVT. HOUSE, MADRAS,

January 6th, 1937

MY DEAR LINLITHGOW,

I do not think that there has been any very great change in the political position in the Madras Presidency since I sent in my last report on December 1st.

As the election campaign progresses, it is becoming clear that the Congress Party are inclined to preach class hatred and sedition; but, as I have already written to you at length on this particular subject, I feel that it will not be necessary for me to repeat the gist of that letter in this present report. All I will say is that the situation is being closely watched and that it is giving my Government some cause for concern.

There have been no developments as to the conduct of the Congress majority in the Corporation. Last month I drew attention to a resolution that they had passed with a view to hoisting the Congress flag over the Ripon Buildings on the occasion of Sirdar V. Patel's visit and said it was being dealt with in the ordinary course of administration and that the hoisting of the flag would certainly be prohibited. My Government informed the Corporation that they would not allow the hoisting of any party flag on a flag-staff on the Ripon Buildings, but that they did not object to party flags being used as mere decorations. As a result, there was no attempt made to hoist this flag and four Congress flags were in fact used with many others as decorations for the interior of the

building. No particular notice seems to have been taken of them and the whole thing fell flat.

We have now completed most of the District Board elections and in general it may be said they show that, while Congress is strong in the Tamil areas, Justice seems still to maintain a firm hold on the Telugu districts. In fact, it is the general opinion that in the coming elections to the Provincial Legislatures Justice will do well in the North and badly in the South.

The primary elections for the depressed class seats have also been held. In the great bulk of them a panel of three or four has been elected containing candidates of both the major parties, and in these constituencies a final election will of course be necessary in February.

But in three seats only one candidate has been returned on the panel and these gentlemen therefore are now actually elected members of the new Assembly. Of the three, two are Justice or at least moderate in their views, while one is a Congressman.

One of these constituencies is the scheduled caste for Madras City itself, and the member returned is a Justice man. This result is a nasty smack for the Congress who had certainly expected to win the seat.

I am bound to say that this particular election was very cleverly worked by the successful candidate: and it may be of interest to recount how he achieved his victory.

Under the Poona Pact a panel of not more than four people is to be elected at the primary election in each constituency and these four then stand at the general election and both caste and non-caste Hindus vote for them. But if for any reason only one person is elected to the panel, he must needs succeed, as one depressed class representative is bound to be returned for the constituency.

The winner therefore put up himself and three men of straw, and there was also a Congress candidate. To ensure his return it was essential that the Congressman should fail to get elected to the panel. The successful candidate, therefore, knowing that he himself had far more votes than he needed to get elected to the panel, went round to many of his supporters and asked them not to vote for him, but to vote instead for one of the three gentlemen he himself was putting up.

In this way, by good organisation, he was able to get himself and his three friends elected to the panel, while the Congress candidate was found to be well down at the bottom of the list. Immediately after the result of the primary election had been declared, the three men of straw, by previous agreement, withdrew their candidatures to the Assembly, thus leaving the victor in sole possession of the field.

This incident has shown how the whole idea of the Poona Pact can be defeated by a method that nobody has previously appeared to have

thought of, and it also indicates that certain members of the depressed classes have got a great deal more political sense than many people had imagined.

I do not think that there is any other subject that can be usefully included in this report.

Yours very sincerely,
ERSKINE

II

*Abdul Halim Ghuznavi to Zetland on
Hindu-Muslim Settlement in Bengal*

L/PO/6/70

18, CANAL STREET,
CALCUTTA,
The 7th January, 1937

MY DEAR LORD MARQUESS,

In view of your interest in the settlement of the Communal disputes in Bengal, I am enclosing herewith copies of correspondence between myself and the Maharajadhiraja Bahadur of Burdwan (acting on behalf of the Bengal Anti-Communal Award Committee) which speak for themselves.¹ The agreement has been the result of my efforts spread over nearly a year in the course of which I have had to meet tremendous difficulties and opposition. The correspondence has just been released here for publication so that the proposal may be popularised during the election campaign which is now on and later may form the basis of a complete Hindu-Muslim settlement in Bengal. It is needless to say that I received considerable encouragement in this connection from your Lordship's letter to me of 22nd August, 1936.

With kind regards,

I remain,
My Lord Marquess,
Yours sincerely,

ABDUL HALIM GHUZNAVI KT; M.L.A.

¹ See Appendix

12

*Nehru's Rebuttal of Jinnah's Concept
of Third Party**Nehru Papers*

10 January 1937

Mr. Jinnah has in a recent utterance taken exception to my saying that essentially there were only two parties in the country—the government and the Congress—and he has reminded me that there was a third party and that was the Indian Muslims¹. In the course of his speech he has made some remarkable statements. I am rushing about from place to place in Bihar and can find no time to give the careful consideration which Mr. Jinnah's speech deserves. But the importance of what he has said impels me to steal some time from an exhausting programme, after a very heavy day's work, to offer a few remarks.

Mr. Jinnah, it seems to me, has said something which surely is communalism raised to the nth power. He objects to the Congress interfering with Muslim affairs in Bengal and calls upon the Congress to let Muslims alone. This objection and demand bear a strong family likeness to what Bhai Parmanand has often said on behalf of the Hindu communalists. Carried to a logical conclusion, Mr. Jinnah's statement means that in no department of public activity must non-Muslims have anything to do with Muslim affairs. In politics and social and economic matters the Muslims must function separately as a group and deal with other groups as one nation deals with another. So also in trade unions, peasant unions, business, chambers of commerce and like organisations and activities, Muslims in India are indeed a nation apart and those who forget this fact commit a sin against the Holy Ghost and offend Mr. Jinnah.

Again, who are the Muslims? Apparently only those who follow Mr. Jinnah and the Muslim League. When Maulana Mohamed Ali joined the Congress, Mr. Jinnah tells us that he fought against the Muslims. It was a small matter that thousands of Muslims were members of the Congress then and millions sympathised and cooperated with it. Being outside the fold of the Muslim League and not following Mr. Jinnah's lead, they can be presumed to be other than Muslims. Presumably, according to Mr. Jinnah, powerful Muslim organisations in the Punjab and in Bengal, like the Ahrars and the kisan parties, being outside the fold of the Muslim League, are not really Muslim. We have a new test of orthodoxy.

¹ See No. 7.

What exactly Mr. Jinnah would like us, of the Congress, to do with the large numbers of Muslims in the Congress, I do not know. Would he like us to ask them to resign and go on bended knee to him? And what shall I say to the great crowds of Muslim peasants and workers who come to listen to me?

All this seems to me extraordinary and harmful doctrine and most unjust to the Muslims. His reference to a "third party" is also far from happy or complimentary to the Muslims. Between British imperialism and Indian nationalism he would have them remain as a political group apart, apparently playing off one against the other, and seeking communal advantage even at the cost of the larger public good.

I am totally unable to think along these or any other communal lines, and with all deference to Mr. Jinnah, may I suggest that such ideas are medieval and out of date? They bear no relation whatever to modern conditions and modern problems, which are essentially economic and political. Religion is both a personal matter and a bond of faith, but to stress religion in matters political and economic is obscurantism and leads to the avoidance of real issues. In what way are the interests of the Muslim peasant different from those of the Hindu peasant? Or those of a Muslim labourer or artisan or merchant or landlord or manufacturer different from those of his Hindu prototype? The ties that bind people are common economic interests, and, in the case of a subject country especially, a common national interest. Religious questions may arise and religious conflicts may take place, and they should be faced and settled. But the right way to deal with them is to limit their sphere of action and influence, and to prevent them from encroaching on politics and economics. To encourage a communal consideration of political and economic problems is to encourage reaction and go back to the Middle Ages. It is an impossible attempt, for it ignores realities.

The realities of today are poverty and hunger and unemployment and the conflict between British imperialism and Indian nationalism. How are these to be considered communally?

There are of course many groups and parties and odd individuals in the country today. But, historically speaking, the present contest lies between imperialism and nationalism. All "third parties", middle and undecided groups, etc., have no real importance to this historic sense. They have consequently no great strength and they function only in elections and the like and fade away at other times. The Congress represents Indian nationalism and is thus charged with a historic destiny. Because of this, it is the only organisation which has developed a vast prestige in India and the strength and will to stand up against British imperialism. Thus, in the final analysis, there are only two forces in

India today—British imperialism and the Congress representing Indian nationalism. There are other vital forces in the country, representing a new social outlook, but they are allied to the Congress. The communal groupings have no such real importance in spite of occasional importance being thrust upon them.

Mr. Jinnah leads a party in the Legislative Assembly². The members of that party have shown the most remarkable independence of each other and of the party. Why is that so? Because no common principle or policy binds them and at the touch of any real problem they break apart. That must also be the inevitable fate of communal parties.

There is no question of dictators and camp followers. The Congress is a democratic organisation with its roots deep down in the Indian soil. Its doors are open to every Indian who believes in independence. For it the dominant issue is that of independence to enable us to get rid of poverty and the exploitation of the people. It may make mistakes but it tries always to think in terms of the nation and in terms of national freedom, and deliberately to avoid a narrower or a communal outlook.

What does the Muslim League stand for? Does it stand for the independence of India, for anti-imperialism? I believe not. It represents a group of Muslims, no doubt highly estimable persons, but functioning in the higher regions of the upper middle classes and having no contacts with the Muslim masses and few even with the Muslim lower middle class. May I suggest to Mr. Jinnah that I come into greater touch with the Muslim masses than most of the members of the Muslim League? I know more about their hunger and poverty and misery than those who talk in terms of percentages and seats in the councils and places in the state services. I have had vast Muslim audiences in the Punjab and elsewhere. They did not ask me about the communal problem or percentages or separate electorates. They were intensely interested in the burden of land revenue or rent, of debt, of water rates, of unemployment, and the many other burdens they carry.

As President of the Congress I have the honour and privilege to represent the innumerable Muslims throughout the country who have taken a valiant part in the struggle for freedom, who have suffered for the great cause of independence and who have stood shoulder to shoulder with others in our historic fight under the banner of the Congress. I represent the many brave Muslim comrades who still stand in the front ranks of our forces and who have been true to the Congress through the strain and stress of past years. I represent the hunger and poverty of the masses, Muslim as well as Hindu; the demand for bread and land and work and relief from innumerable burdens which crush

² Jinnah led the Party of the Independents in the Central Legislative Assembly.

them; the urge to freedom from an intolerable oppression. I represent all this because the Congress represents it, and I have been charged by the Congress to hold aloft its principles and the torch that it has lighted to bring hope and strength and brightness to the dark corners of our land and to the suffering hearts of our people.

The Congress welcomes all cooperation; it has repeatedly stressed the need for a joint front against imperialism. It will cooperate with pleasure with the Muslim League as with other organisations, but the basis of this cooperation must be anti-imperialism and the good of the masses. In its opinion no pacts and compromises between handfuls of upper class people, and ignoring the interests of the masses, have any real or permanent value. It is with the masses that it deals for it is concerned above all with their interests. But it knows that the masses, Hindu and Muslim, care little for communal questions. They demand urgently and insistently economic relief and, in order to obtain this, political freedom. On this broad basis there can be the fullest cooperation between all elements in the country who seek the good of the people as a whole and their freedom from imperialism.

13

*John Hubback to Linlithgow on Final Forecasts
on the Results of Elections in Orissa*

Linlithgow Papers

CAMP, CUTTACK,
January 12th, 1937

MY DEAR LORD LINLITHGOW,

This is my fourth review of the political situation in Orissa.

2. I have now got the final forecasts of District Officers on the results of elections, which begin on January 18th and should be finished by the end of the month. The District Officers are still very rightly guarded and on the whole, I think, take a view somewhat over favourable to the chances of Congress candidates. Where they have indicated a close contest, I have in the first instance awarded each party concerned a half, and have then considered the result should Congress win *all* such doubtful seats. My conclusion is that the most probable result will be something like this:-

United Party, 19; Congress, 19; National Party, 4; Khallikote's Party, 5; Independents, who will probably support the United Party or Khallikote, 10 (including 4 nominated members), Independents, who will probably support Congress except on deliberate attempts to wreck the Constitution, 3. This would give a Kanika-Khallikote Party $19 + 5 + 10 = 34$ against 26, a working majority, as only 19 would regularly vote Congress.

3. On the assumption that Congress will win all doubtful seats, the figures would seem to be:-

United Party, 14; Congress, 25; National Party, 3; Khallikote's Party, 5; Independents, ordinarily supporting the United Party or Khallikote, 9; Independents, ordinarily supporting Congress, 4.

This would give a Kanika-Khallikote Party only 28 votes and the National Party would hold the balance. I think that even on this result the Constitution would be worked, but it would leave me with a difficult job when attempting to form a stable ministry.

4. Even on such a result I feel I should be justified in asking Kanika in the first instance to form a Ministry, as he would probably be able to secure the support of the National Party on terms, and possibly of one or two of the "Independents ordinarily supporting Congress". I should be very grateful for Your Excellency's advice on this hypothetical question, since there will be little time for consultation after election results are known.

5. The factors that have, in my opinion, made the District Officers' forecasts more favourable to Congress than before are, first the result of the Ganjam District Board election, and, second, the result of the Council of State election.

The District Board election in which Congress was evidently taking more interest than I was led to believe resulted as follows:-

Khallikote's Party, 15; Congress, 14; National (Parlakimedi), 4. The District Officer reports that Congress have obtained more seats than their influence or funds warrant. There is no doubt that Parlakimedi, in pursuit of his feud with Khallikote, has supplemented both influence and funds. I expect he will continue to do so for the Assembly elections, though he may very well change his attitude later.

6. The result of the Council of State election does not, in my opinion, give any real pointer to the Assembly elections. The successful candidate, Mr. Mahapatra, who defeated the Diwan Bahadur of the same name, is a very mild Congressman. He has told several people that he is no "wrecker", and came three days back to my garden party, where he was placed at my table. He is a colourless individual and owes his success to the unpopularity of the Diwan Bahadur. The United Party could not afford to antagonise the Diwan Bahadur, nor could they put

up a stronger candidate in view of the imminence of the Assembly elections.

7. I have accepted without protest the conclusion of Your Excellency's Government that it was desirable to announce at once their decision to leave the selection of the site for the Capital to the Orissa Government under the New Constitution. On the widest constitutional considerations I agree that that is a wise decision, but it will almost certainly result in a cramped cabinet and confined capital for Orissa.

Yours sincerely,
J.A. HUBBACK

14

Madras Government's Assurance to Public Servants

The Hindu, 12 January 1937

"The Government understand", states a Government order, just issued, "that certain politicians have uttered threats that in the event of their being returned to power at the forthcoming elections, they will dismiss or otherwise harass certain Government servants, in particular, members of the police force. The Government desire to assure all their officers of whatever rank that in no eventuality can such irresponsible threats be fulfilled against Government servants who do their duty in good faith."

"Under Sec. 240 of the Government of India Act, 1935", says the order, "no Government servant can be dismissed by any authority subordinate to that by which he was appointed, and no Government servant can be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action to be taken against him, except where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge or, where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to give that person an opportunity of showing cause."

"Under section 270 of the Act", proceeds the communique, "no proceedings, civil or criminal, can be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India before April 1st 1937, except

with the consent, in the case of a person employed in connection with the affairs of a Province, of the Governor of the Province acting at his discretion. Moreover, under section 52(1) of the Act, a special responsibility to safeguard the legitimate interest of all members of the public service is placed upon H.E. the Governor and Government servants may rest assured that H.E. the Governor will take such action as may be necessary to prevent any attempt to victimise or in any way treat unfairly Government officers who do their duty loyally."

15

*Ralph Griffiths to Linlithgow on Political
Affairs in NWFP*

L/PO/6/99(i)

GOVT. HOUSE,
PESHAWAR,
January 12th, 1937

MY DEAR LORD LINLITHGOW,

This is my third monthly report to Your Excellency on political affairs in this Province.

2. Nominations took place on the 7th and 8th December. The following table shows the composition of candidates for election:-

| Name of Party | Number of seats being contested | Number of persons seeking election | Number and religion of candidates |
|---------------------------------|---------------------------------------|--|---|
| 1. Khudai Khidmatgar | 37 | 37 | Hindus . 8 Muslims . 29 |
| 2. Independent Party | 5 | 5 | All Muslims. |
| 3. Hindu-Sikh National Party | 10 | 11 | Hindus . 9 Sikhs .. 2 |
| 4. Khanate | 35 | 66 | All Muslims. |
| 5. Ittihad-i-Milat | 1 | 1 | Muslim. |
| 6. Singh Sabha | 3 | 5 | All Sikhs. |
| 7. Sanatanists | 2 | 10 | All Hindus. |

These figures are eloquent of the solidity of the Khudai Khidmatgar Party, of the degree of unity existing in other parties, and of the extent to which members of the Khanate allow personal enmities to influence their election policy.

In 21 constituencies there will be a straight fight between two candidates, in 17 constituencies there will be triangular contests, and in 10 four persons or more are standing for election.

3. In each of the 12 Hindu-Sikh constituencies Hindus with Red Shirt leanings are standing as candidates. A competent observer, himself a Hindu, forecasts that of these only two, or at the most three, will be successful. One of these is Dr. C.C. Ghose of Peshawar City, who was exiled and restricted to Mandalay in 1919 following trouble in Peshawar City, and who was one of the only two persons from this Province who attended the Faizpur Congress—the fact that the contest in which he is engaged is a four-cornered one is definitely to his advantage.

4. The coalition, referred to in the last Note, between the Minister, Nawab Sir Abdul Qaiyum, and the Nawab of Hoti, does not appear to be progressing too favourably. This disappointing result is due to the almost universal distrust which Sir Abdul Qaiyum has created throughout his career, a feeling which his more recent proceedings have done nothing to mitigate. His attitude is indeed puzzling. He appears only to wish to take without giving in exchange; and, despite the apparent openness of his reconciliation with the Nawab of Hoti and the obvious necessity that he should implement his side of the reconciliation, he has continued to back Red Shirt candidates, who happened to be opposed to individuals of the Khanate class personally obnoxious to himself. The difficulty of the position may be summed up in the words of the Deputy Commissioner, Peshawar, that the Khans are a party without a leader while Sir Abdul Qaiyum is a leader without a party.

The Nawab of Hoti for his part has also been disappointing. In entering into his coalition with Sir Abdul Qaiyum he confidently asserted that all Khans in the Peshawar district, and indeed in the Province, regarded him as their leader and would implicitly accept his guidance. Subsequent events indicate that, so far from being prepared to follow him blindly, most of the leading Khans are extremely annoyed at the manner in which the Nawab has taken for granted their docility and devotion to himself, and that they strongly dislike an arrangement which places them under the orders of Sir Abdul Qaiyum. In discussing matters with me these Khans have almost unanimously described Sir Abdul Qaiyum as utterly untrustworthy, and as an inveterate and implacable enemy of their social order. It is, therefore, extremely difficult to say whether or not the coalition will bring forth any substantial results.

5. Nawab Sir Abdul Qaiyum spent the Christmas holidays in Swabi, paying his first electioneering visit to his own constituency. He held three meetings and distributed an enormous number of posters and hand-bills, which were mainly directed towards showing that the principles of the Congress Party were opposed to Islam. The general opinion seems to be that, although the Nawab's Red Shirt opponent is a complete nonentity, he will probably defeat the Nawab, owing to the concentrated effort of the Red Shirt organisation to achieve so glorious a victory and to the money that they are spending in this constituency to secure this end. The Nawab is also standing for the Khanpur circle in the Hazara district; he seems likely to be successful here.

6. As usual, the Khudai Khidmatgars have shown the greatest activity during the past month, working according to a carefully drawn up scheme. They have been particularly active in the Bannu and Peshawar districts. Pir Bakhsh, M.L.C., of Peshawar City (Independent Party) has convened a few meetings and has made his chief election slogan a promise that his success will secure the Gorkhatri—a large building in the centre of Peshawar City used by the police—for Muhammadans. Amongst other parties canvassing is more in the form of door-to-door visits than public meetings.

7. An accurate forecast of the composition of the new legislature is impossible. It is, however, generally believed that Khudai Khidmatgars will be returned in between 15 and 20 constituencies (including Hindu constituencies).

8. Reference was made in the Note for December to the visit of Messrs. Patel and Desai. The general tone adopted by these leaders would appear to render it inadvisable to permit a repetition of such visits.

Yours sincerely,
R. GRIFFITH

JANUARY 1937

16

*Hyde Gowan to Linlithgow: A Note on the
Developments in the Election
Situation in C.P.*

Linlithgow Papers

CAMP,
13 January 1937

DEAR LORD LINLITHGOW,

I enclose for Your Excellency's information a note on the developments which have occurred in the election situation since my letter of December the 9th. I have kept out of it the mass of detail with regard to happenings of purely local interest with which the Deputy Commissioners' reports are filled, and have confined it to what seem to be matters of general interest.

I propose, if this will be suitable, to let you have in the first week of February a brief account of any developments which have occurred in the situation, followed by a final report on the results of the elections (including the probable grouping of any parties which may have emerged) as soon as these are known. This will be about the last week of the month; local difficulties prevent our holding the elections here as early as they are being held in most other Provinces.

Yours sincerely,
HYDE GOWAN

[ENCLOSURE TO THE ABOVE LETTER]

NOTE

Nominations are now complete for practically all constituencies, and the situation has cleared to the extent that we know at any rate who the contestants are to be. As was to be expected, the number of persons nominated, especially on the Independent side, is large, and there will be very few straight fights. In some constituencies a disappointed Congressman, who has failed to get "the ticket", is fighting the official Congress candidate. In others Congress has put up an Independent to split the Independent vote. (The cost of doing this is estimated in one

case at Rs. 250). The difficulty of reconciling personal jealousies has added to the number of candidates. And in not a few cases the typical local habit of putting off anything of this sort till the 59th minute of the eleventh hour has led to a number of applications for withdrawal being put in too late to be accepted. Several candidates have thus been let in for a fight in which they did not want to take part, and are likely to lose their deposits.

2. It cannot be said that any party worthy of the name emerges from the nominations, except the Congress. In Nagpur the Congress-Nationalist pact broke down completely, and a Hindu Mahasabha candidate, Dr. Paranjpe, is now fighting Dr. Khare in Nagpur city. The Mahasabha is also supporting a few other candidates, but they are not numerous enough to be called a party. In Berar, the proposed compromise between the disgruntled non-Brahmin Nationalists and the Shetkari Sangh failed to materialize owing to personal jealousies, and both parties are putting up a few candidates with party labels. But the general tendency seems to be to regard the fight as one between the definitely anti-Government forces of the Congress, which may or may not try to wreck the Constitution if they come into power, and a disconnected and disunited body of Independents, relying on personal local influence and known roughly as Rao's party, which may or may not be pro-Government, but will definitely try to work the Reforms. The thunder of the Congress Higher Command about wrecking the Constitution still produces only a faint echo locally.

3. There has been no marked change in election prospects. The odds in favour of Congress in Mahakoshal have lengthened slightly, but the reports of Deputy Commissioners only credits Congress with 34 seats, against 63 for the Independents and 15 doubtful. It may be noted that the Nagpur correspondent of the *Times of India* in his last weekly political letter to his paper gave the probable Congress *bloc* as 40 at the outside. There is, however, one disquieting feature in the figures. An analysis of them is appended to this note; and it will be seen that Independents and Congress are practically equal in the Urban and Rural and Miscellaneous Constituencies. On the other hand, the scheduled castes and the Muhammadan seats, which number 28, do practically nothing for Congress. I have pointed out in a previous note how sharply each of these minority communities is divided by internal quarrels, and all efforts to patch these up have failed. It is probable therefore that, when the manoeuvring for alliances begins after the elections, one or other of the cliques will in each case ally itself with the Congress. It passes the wit of man to guess the final result.

4. Two candidates have been returned unopposed, M.G. Chitnavis, Independent candidate for the Central Provinces Southern Landholders,

and Mrs. Chauhan, the Congress candidate for Jubbulpore Women's Constituency. Their political leanings will be explained along with those of other elected members, when the results of the elections are known.

5. I have said nothing in this note about the unedifying Congress squabbles that have been going on, with their accompaniment of indignant telegrams, resignations, withdrawals of resignations, and what the *Daily News* calls "eating the humble pie". It has all appeared in the newspapers, and will not, I think, have any great bearing on the main result of the elections. The comment of the Deputy Commissioner, Jubbulpore, is, however, interesting. "You will have read of the dissensions in the Congress camp and of the threatened resignations of several candidates, D.P. Misra and others, from all posts in Congress organisations and public bodies to which they have been elected as Congress supporters. The dissentients went to the Faizpur Congress, but did not succeed in persuading Jawaharlal Nehru to overrule Vallabhbhai Patel; on the contrary, they had to apologize, withdraw their resignations, and endure the further indignity of a public reprimand by Pandit Jawaharlal Nehru in his speech at Jubbulpore on New Year's Day."

H.G., 13-1-37

| | | Independent | Congress | Doubtful | Total |
|------------------|------|-------------|----------|----------|-------|
| General Urban | .. . | 3 | 3 | 3 | 9 |
| General Rural | .. . | 24 | 22 | 9 | 55 |
| Scheduled Castes | .. . | 14 | 3 | 3 | 20 |
| Muhammadan | .. . | 14 | .. | .. | 14 |
| Miscellaneous | .. . | 8 | 6 | .. | 14 |
| Total. | | 63 | 34 | 15 | 112 |

I7

*W.K.H. Langley on the Role of
European Community (Extract)¹*

The Justice, 13 January 1937

We are now as a community in a very different position to what we have been in hitherto. Previously, we always felt that in the last resort

¹ Extracts from a speech delivered in Madras on 13 January 1937 by Mr. W.K.M. Langley, Chairman of the European Association (South India Branch) at the Annual Conference.

we had the government of the day behind us and we are therefore inclined to do what apparently the "Hindu" newspaper judging by a recent article would desire us to continue that is, "to remain an entirely independent group offering our opinions on the merits of each question and voting irrespective of any obligation to the party in power". May I venture to express my personal opinion that such negative and sterile attitude will get us nowhere. The British attitude in politics is not towards over subtlety but prefers rather to act on broad principles and follow personalities, where in this presidency those broad principles and those personalities are to be found it is for us to try and discover.

As far as personalities are concerned and at this juncture, I think we may have to rely much more on personalities than on principles. . . . The leading personalities of the two principal parties in this presidency, Sir Mohammad Usman on the one hand, Mr. Sathya Moorthy the other, which of these men would you like to have behind you, in the case of Sir Mohammad Usman, I might almost add in front of you as well, in a row! I do not think there can be much doubt as to the answer.

. . . . I refer, of course to the exceedingly important pronouncement in the last issue of the "Bulletin"² by Sir Mohammad Usman. As to this before I sit down, I will limit myself to two remarks.

In the first place regarding Sir Mohammad Usman's suggestion following on that previously made by Sir Venkata Reddy, that possibly the European group might contribute a minister in the event of coalition with some other party. Actually I hope that he shall dismiss any such suggestion from our minds at any rate for a long time to come as while it might suit us to support another party. I think, we should make a great mistake in identifying ourselves with any party to the extent of joining the actual ministry, we certainly require no such bait to support another party if we are able to find an identity of interests.

Our support should, in those circumstances, be unconditional, and I think, we would do well in the present stage of political development in this country to definitely put aside any idea of providing a minister for at least 5 years to come.

² Published by the European Association, a leading European political organisation in India at that time.

In the second place it is obvious that such an important pronouncement coming as it does from one who has held the highest office in the Presidency, requires the most careful examination. It is the first real approach that has been publicly made to us as a party. It is therefore in my opinion, all the more necessary that we should issue our own programme at the earliest possible date and then consider whether our programme has sufficient identity with that of the party associated with Sir Mohammod Usman to justify further conversation with a gentleman for whom party on one side, we all in this association have the greatest respect and regard.

18

Jinnah's Objection to Ghuznavi-Burdwan Communal Pact for Bengal

Amrita Bazar Patrika, 14 January 1937

Interviewed by the "Associated Press" regarding the Ghuznavi-Burdwan Pact,¹ Mr. Jinnah said:— "It will be for the Council of the Muslim League to consider and decide one way or the other. But I must say that these two gentlemen have proceeded in their individual capacity and, therefore, they have adopted a wrong procedure" (A.P.).

¹ See Appendix.

19

*Brabourne to Linlithgow on Election
Situation in Bombay*

Linlithgow Papers

GOVT. HOUSE,
BOMBAY,
15th January, 1937

[Private & Personal]

MY DEAR LINLITHGOW,

The nearer we get to the date of the elections, the more uncertain does the eventual outcome seem to become.

A large number of candidates were nominated on December the 18th, 1936, and after subtracting those who were returned unopposed and those who have withdrawn, there remain 364 candidates for the 149 seats still to be filled for the Assembly, and 61 candidates for the 25 seats which remain to be filled in the Council. A large number of the candidates for the Assembly are standing as Independents, and it is quite impossible to say what their future allegiance will be if they are elected. Some of these are really Congress men who have not been selected by Congress but fancy their chances of election on the strength of their personal influence in the constituencies; some of them are non-Brahmins who are standing for the same reason. It is, of course, quite possible that many of these candidates will rejoin their old parties if and when elected, but if they do not, there seems a chance of there being quite a number of so-called Independent M.L.As. who might form a separate bloc in the Assembly when the time comes.

Another uncertain factor is the one which I mentioned in the first paragraph of my last report, namely, that several non-Brahmins and Liberals are standing as Congress candidates because that is their only chance of getting in. A case in point came to my notice recently; a man from Kanara district, who called on my Chief Secretary the other day, definitely stated that one of the Congress candidates in his district, who is an old friend of his, is a Liberal with no liking for Congress politics, who has accepted the Congress ticket to save himself the expense which standing on his own would have involved. This is, I think, by no means

JANUARY 1937

an exceptional case, but it is hard to forecast what attitude these people will take up once the elections are over.

Now that the Faizpur session is over, Congress are back at electioneering, and their campaign is now in full swing. Such estimates as I hear are still much the same as before, namely, that Congress should get somewhere between 50 and 75 seats, but this is still chiefly guesswork. I hope to get a more detailed estimate early in February, and I will pass it on to you as soon as I receive it.

Congress leaders in this Presidency are still as anxious as ever to take office should they get the chance, but opinion seems to be hardening against the likelihood of their being allowed to do so. Should they eventually get somewhere in the neighbourhood of 70 seats, I would very much prefer to see them take office. They would have to take in quite a few people from other parties to get their majority, and this they could only do if they were prepared to water down somewhat their "wrecking" pledge. On the other hand, a solid bloc of 70 well-disciplined Congress members in opposition would, I think, be a very nasty thorn in the side of any Government.

The Muhammadans are in a very unsatisfactory state. It still seems probable that Jinnah's party will secure a considerable proportion of the 30 Muhammadan seats, but, once the elections are over, there will be endless disputes over leadership of the party in the Assembly. There are at the present moment at least four, more or less equal, candidates for this post. Jinnah's outburst against Congress in his speech at Calcutta may make a considerable difference in the orientation of his followers' politics. Whereas, previously, it had seemed possible that the Jinnah party might be prepared to combine with Congress and form a coalition Ministry, it now seems as if this eventuality is unlikely.

The split in the non-Brahmin party continues, and they are damaging their chances by putting up too many candidates. They have no party discipline, and individuals who have not been selected as party candidates have no hesitation in standing on their own. My non-Brahmin Minister assures me that, once the elections are over, he will be able to heal the split. All I can say is that I hope he is right!

I am sorry for whatever Ministry may come into office on April the 1st, as our 1937-38 budget is bound to be a very difficult one. The late rains helped us a lot, but we have nevertheless got definite "scarcity" in several districts, and this is bound to have serious repercussions on our finances

Yours ever,
BRABOURNE

20

*Linlithgow to Zetland on Concession
to Princes (Extract)**Zetland Papers*

17 January 1937

I have no doubt that we are approaching a somewhat difficult period, that we shall be faced with considerable manoeuvrings, and that the very active minority which for one reason or another dislike the idea of Federation, or dislike Federation in its present form (I have in particular in view Dholpur), will do their utmost by briefing less outstanding personalities among their Highnesses with their views and criticisms to stand in the way of early realization of our object. What tactics we have to adopt in face of such an attitude, if my anticipations are correct it is too early to say. I am of course very conscious of the close watch we must keep on opinion at home, and on this aspect I will greatly welcome your estimate of the extent to which parliamentary interest in the position of the Princes in regard to Federation is waning or remaining constant. My own general feeling is that once the results of the investigation of the emissaries are available (when I speak of results I have in view, points of major significance rather than minor points of detail possibly affecting one or two states) we should carefully and expeditiously consider the whole field, make up our minds in what direction or at what points concessions are necessary or could appropriately be made, and take such steps in the light of our examination to remove such genuine misapprehensions or genuine stumbling-blocks to the entry of States as a whole as may be found to exist but thereafter take our own course. It is quite clear to me that issues such as the acquisition of land and the operation of Federal Officers in states, however unfounded the misapprehensions may be which exist on these points, are likely in practice to prove to be such stumbling block to progress that it may be necessary for us to consider some way of getting round them. Equally, while I have no intention of allowing myself to become a victim of blackmail, it may well prove to be worth our while to consider whether some minor concession would not be appropriate with regard to the remission of tribute within the 5 per cent limit (that is of course a matter of which I must carry Grigg with me if in the light of mature consideration I should decide it was worth pursuing); while

much as I object to the idea of enhancement of salutes¹, there are one or two cases in which it is conceivable that a ratification of a situation in itself anomalous might if coincident with the present discussion have a valuable effect as reassuring the State concerned as to our attitude towards it. Our difficulty is of course that it would be highly improper in any way to associate such concessions as we might find it possible to make in matters of salutes or the like with the question of accession or non-accession. I will not however inflict on you at this stage any more lengthy exposition of my views. Those views are still provisional and tentative and much must turn on the result of our departmental discussion with the emissaries in the immediate future (and indeed possibly of the outcome of the discussions which have been taking place among certain of the Princes, Hydari & Co., consequent on the establishment of Dholpur Committee last November). Let me only say that, as you now appreciate, I am well aware of the difficulty and delicacy of the issues which we shall have to face during the forthcoming months, of the hesitations and suspicions, reasonable or unreasonable, with which we may have to deal, and of the very slender basis of knowledge of the Act, or wider political experience, or first hand responsibility for administrations and its problems, of the great bulk of the Rulers with whom we may have to deal. The very fact that they should be so ill-equipped makes it however in my view all the more necessary to treat their uncertainties and their difficulties with the fullest sympathy, and to make such measure of concession on any points that are not fundamental to the scheme as a whole or inconsistent with the forms and spirit of the Act as we may find practicable. I am sure that your mind is moving on very much the same lines as my own.

¹ Gun salute was one of the princely privileges varying from State to State.

21

*Governor of Bengal to Secretary of State:
Views on Ghuznavi-Burdwan Pact*

L/PO/6/70

17 January 1937

Telegram: Private and personal. Your private and personal telegram 150¹. Press reaction to Ghuznavi-Burdwan pact not favourable as a whole. Chief Hindu criticism is that they leave communal award untouched. Some individuals welcome them but others regard as mere distribution of offices and ministry. Some Mohammedan opinion protests against surrender of better opportunities. There is general unwillingness on the part of persons seeking election to commit themselves.

¹ Not printed.

22

*Nehru on Communalism and Elections¹
The Hindustan Times,
18 January 1937*

All those people who talk in terms of Hindu rights and Muslim interests are job hunters, pure and simple, and fight for the loaves and fishes of office. How long are you going to tolerate this nonsense, this absurdity?

The Ghuznavi-Burdwan Pact in Bengal² has exposed the pretensions of these supposed opponents of the communal decision. It has conclusively proved that all this opposition to the communal decision was merely a fight for spoils.

It appears the only aim of the opponents of the Award is to get ministerships and government jobs and they are prepared to sell their community for their own petty interests.

India's problem is linked up with the problem of the world and the election business is important inasmuch as it helps us to grasp this

¹ Speech at Ambala, 16 January 1937.

² See Appendix

problem. But I warn you to beware of minor issues.

There are only two forces³ in the country, the Congress and the government. Those who are standing midway shall have to choose between the two.

I do not want your vote for me or for any of my friends. To vote against the Congress candidate is to vote for the continuance of British domination.

Elections come and go, but there is no escape from the major problem of India's poverty. Congressmen are going to the legislatures, to continue the fight for freedom and oust those who have been weakening our efforts.

I want to make it clear that Congressmen are not entering the legislatures in any spirit of cooperation with the government or for working this constitution. These elections are very important as they help in establishing mass contact with the millions of voters and non-voters. It is the Congress alone which is capable of fighting the government.

The opponents of the Congress are bound with each other by a community of interests. Their demands have nothing to do with the masses.

The Congress attitude with regard to the communal decision is quite correct and the attempt of the Hindu Mahasabha to malign the Congress is regrettable.

What is this Burdwan-Ghuznavi Pact? Hindu Mahasabha leaders have blessed it. The Communal Award which has been condemned as most undemocratic and anti-national will remain, and so will remain the separate electorates and the percentage of seats allotted to the respective communities. But there will be equal number of Hindu and Muslim ministers. Could there be anything more palpably selfish than this?

The very nature of this Pact confirms the wisdom of the Congress stand on the Award. You are already familiar with its decision in regard to this Award. I appeal to you to strengthen the Congress. I am sanguine that the Congress will come out with flying colours in this election fight. The Congress victory at the polls will necessarily lower the government prestige. It would mean the victory of the Congress principles and ideals.

There has been criticism in the selection of candidates. Congress candidates are its soldiers. They have been allotted a certain task. I am a humble servant of the Congress. They have not selected me as their candidate. Shall I feel myself belittled by it although I am not ashamed of saying that I think I am fit to rule India, nay, the world?

³ See No. 12

This is no division of spoils. The selection as a Congress candidate is not a matter of great honour. You honour me today because you think I have the courage to stand against foreign exploitation. Above all other qualities that I possess, I am a soldier. It is not worthwhile to fight over these minor matters. There is a gigantic task ahead of us which will try our mettle. We are standing on the top of a volcano. I invite you all to prepare yourselves for that danger.

I am sorry that my name was misused by Lala Deshbandhu Gupta's opponent, Shrimati Lekhawati. She had written to me and I gave her a lengthy reply. I concede that the country's progress depends on women's progress but I have heard it for the first time that a woman wants our support simply because she is a woman. We want brave men and women for our fight. There is no distinction of caste in our ranks. The only criterion is the fitness of the candidate. I am sorry that Shrimati Lekhawati Jain who professed to be a Congresswoman opposed the Congress so bitterly from the very outset. She raised the slogan of Hindu interests and Jain interests. The Congress may lose a thousand seats but it cannot tolerate that any community should come and raise sectarian issues in the elections. Election fever is high today, but I am not without hope that after the elections, Shrimati Lekhawati Jain will feel sorry in her calmer moments for all that she has done.

I again appeal to you to vote for the Congress candidates as a Congress victory will be your own victory.

23

*Zetland to Linlithgow on Ghuznavi's Negotiations
for the Hindu-Muslim Pact¹ (Extract)*

L/PO/6/70

18 January 1937

6.I have received from Halim Ghuznavi an account of his negotiations with the Hindus carried on with the intention of lessening the tension over the Communal Award. This is all very praiseworthy, but I notice that the chief item in the agreement which they have come to is the appointment of an equal number of Muslims and Hindus as Ministers, and it seems to me that here they are taking a good deal for granted since the appointment of Ministers is a prerogative of the

¹ See No. 11

Governor, who may object to having his hands tied by an agreement to which so far as I know he is not a party. I have therefore asked Anderson to let me know what he thinks of the arrangement before I reply to Ghuznavi. It is possible, of course, that you may have made some reference to it in your letter of December the 31st.

24

*Michael Keane to Linlithgow: An Appreciation of
Ministers in Assam*

Linlithgow Papers

GOVT. HOUSE, SHILLONG

19 January 1937

DEAR LORD LINLITHGOW,

I have scarcely seen any of the three Indian Members of my Government for the last month or more. They are all away in their constituencies and have too much on their minds to bother about files. Administration is in fact being conducted in the old bureaucratic style and no one seems any the worse for it.

The two Ministers are being stoutly opposed, though in neither case by the Congress Party.

The Muslim Minister, Abdul Hamid, is being opposed by a Shamsululema who is also a Maulana and among the Muslims in the rural areas the Kuran is still a good platform. The Minister himself was a strong Khilafatist in the old days, but that is forgotten now and I am told he is relying more at present on the appeal of the purse. If a fraction of what I hear is true, we shall need a standing tribunal for months or years to hear all the petitions that are likely to be filed challenging the results of these elections.

The Hindu Minister, Rai Bahadur Kanak Lal Barua, after some hesitation, has decided not to contest a territorial constituency, but to stand for his old seat—Indian Commerce and Industry. He is being opposed by a Marwari and as the Marwaris in this Province have most of the business and so most of the votes, his chances are very doubtful.

The Ministers have the disadvantage common to all democracies that they have been in office for a long time and people like a change. Office too from the nature of things must disappoint many in satisfying one and so the ranks of the disgruntled multiply with the years.

The Hindu Member of my Executive Council was being opposed by a Congressman, but almost at the last moment the Congress nominee putting patriotism before party retired in favour of an opponent who had done so much for the Province. A gesture so noble is in this world so rare that it has been widely attributed to motives of a baser sort. His infuriated party have drummed the altruist out of their ranks and hurriedly put up another candidate, but the upset has ruined their hopes.

Outside of Congress and of course the Planting Group there are only a few rudimentary efforts at party organisation. Candidates are standing on independent and personal tickets. This will make it very difficult later to form a real stable government.

In this connection the position of the Planting Group is interesting. As I anticipated the four labour members are merely their nominees and they got them elected unopposed. With the European and Commerce and Industry seats which will stand in with them they will have a party of 16 which in the fragmentary condition of other parties will be a strong bloc. If Sir Muhammad Saadulla doesn't come back to unite the Muslims, the Planting Group will be as strong as any Group in the Assembly. They will thus have a claim to a place in the Ministry which they have now decided to press. Still more they are a provincial, not a valley group, and will be outside of valley jealousies and apprehensions. It is quite on the cards that the different valley members would prefer a Chief Minister from this impartial group to a Chief Minister from one of the valley groups. It would be an ironical situation if one of the first fruits of autonomy was to bring in a European Chief Minister.

The canvassing is proceeding quietly, but the test will be the election days themselves which are now beginning. If there is to be a fracas, it will be then.

According to instructions from the Government of India I have switched off the Political Officer from the tour which we had prepared in the area south of Tawang.

Gould after returning from Lhasa is to come to Assam to discuss the position further before we make any move. This means now that nothing can be done before next spring. I will explain the position to Sir Robert Reid.

I hope Your Excellency had a pleasant time in Burma. I wish you a Happy New Year.

Yours sincerely,
M. KEANE

25

*S.A. Dange to Nehru¹: Reply to
Showcause Notice (Extract)*

AICC F. E. 14/1936-37

POONA,
19 January 1937

DEAR PANDITJI,

Your telegram of 8th instant from Ranchi addressed to me through the Bombay Congress was received by me on 12th as I was not in Bombay. Therein you stated that you were informed that I was openly and actively supporting Jogalekar in E and F wards in Bombay against official Congress Nominees and as this was a serious breach of discipline you asked me to show cause by telegram why disciplinary action should not be taken against me. Immediately on receiving the above I wired to you at Patna as follows:-

"Received wire on arrival in Bombay today. I am not actively and openly participating election campaign so far on either side though personal sympathies with Union Congress Nominee. Statement follows inviting your directive on certain issues receiving which will inform you my final course of action before acting any way, preliminary statement regarding alleged breach given to Mr. Deo".

As stated in the above telegram I am submitting this statement.

Before I deal with the question of the alleged breach, you will allow me to explain the nature of the conflict that has arisen in this case and the peculiar position of Mr. Jogalekar and those from the I.N.C., who are disposed to or are bound to support him. I do not want to argue mainly on the personal merits of Com. Jogalekar as he has not been set on those grounds though something by the way can be said in that behalf also. Pandit Govind Valabh Pant, Secretary of the All India Congress Parliamentary Board, has said in an interview that we need not look to the persons, who are set up by the Congress Parliamentary Board, since men like Jawaharlal and Rajendrababoo stand guarantee for them. I do

¹ Invited by the All India Trade Union Congress to attend its 15th session held in Bombay from 17-19 May, Jawaharlal Nehru, President, Indian National Congress attended a part of the proceedings of the session and addressed the delegates.

While addressing the delegates Jawaharlal Nehru said that the workers should carry on an agitation against the Government of India Act and propagate the idea of convening a Constituent Assembly. He also said that the only way by which the communal question could be solved was through a Constituent Assembly.

not know whether you would stand guarantee for the Dewan Bahadurs and Magistrates, some of whom are now on Congress ticket. But I think even the Congress P. Board contrary to Mr. Pant's statement believes that the personality of the candidate is a factor. Even when he represents "a cause, an idea, an organisation" (as you have said) his own traditions, his past and his future tendencies do not leave him. The cause, the idea has to act through his whole being. Hence a candidate with a revolutionary past, with an anti-imperialist tradition, backed by the Congress can mobilise the masses for action which is the main purpose of the election campaign better than a pro-imperialist, turned a congressite either voluntarily or through the efforts of the Congress Parliamentary Board when elections have come. The Congress Parliamentary Board has given larger weight to the consideration of the capacity of a candidate to catch votes than to his capacity to develop the struggle. And hence it is that in many cases staunch anti-imperialists have been set aside in preference to doubtful votaries.

Com. Jogalekar today is interned in Bombay city under the Emergency Powers Act by the Bombay Government, is prohibited from engaging in any public activity and has to report his presence every day to the police station. He had the privilege of being convicted to 12 years transportation in the Meerut Case and though today his internment prohibits him "the privilege of calling himself a Congressman" he was before his arrest twice a member of the A.I.C.C.

But that is not the case for his candidature. Com. Jogalekar did not nominate himself nor is nominated by his personal admirers. He has been asked to contest one seat by a resolution of the Bombay Provincial Trade Union Congress and the Executive Committee of the All India Trade Union Congress.

The Trade Union Congress as you are aware is not an organisation like the Muslim League, the Hindu Mahasabha, the Liberal Federation and such others. Not very long ago you yourself were its president. And only last year, in May, you assisted in the success of its open session and at that very session, the T.U. Congress passed two important resolutions, among others—one on relation with the Indian National Congress and another on "the new constitution and elections". The former resolution states that as "complete national independence implying severance from the British Empire and the transfer of all Political Power to the oppressed masses is the basic political demand of the Indian Working Class", and as "the Indian National Congress is today the best available means of effecting a United Front of the Indian people against Imperialism and its native allies, the Trade Union Congress decides to establish relations of close cooperation with the Indian National Congress with the object of broadening and deepening

the national struggle for independence. The resolution at the same time made it clear that "such cooperation can be established on a sure foundation only if the Indian National Congress supports the immediate economic and political demands of the working-class and its struggle for those demands and makes suitable provision for the participation of the workers in the Congress *through their class organisations.*"

This will make it clear that Trade Union Congress has no motives of hostility to the Indian National Congress as such, and the Trade Union Congress is as intent as the Indian National Congress on the necessity of an anti-imperialist struggle.

The second resolution on the new constitution declared its "irreconcilable hostility" to the new Act, condemned the move of office acceptance and working the constitution and called for a struggle against it, "in cooperation with the Indian National Congress". The Trade Union Congress desires to cooperate with the Indian National Congress and also "to carry on a joint electoral campaign".

In pursuance of this resolution the Trade Unions affiliated to the Trade Union Congress have joined hands with the Indian National Congress in support of Congress candidates. Even in Bombay city the conflict with the Indian National Congress nominees has arisen only on one seat. The Trade Union Congress and its members are cooperating with the Indian National Congress in 999 places out of the thousand seats that it is contesting. Only in one case, there has arisen a conflict, which has raised serious issues for people like me who hold(s) responsible positions in both the organisations.

That very resolution of the Trade Union Congress which called for a joint electoral campaign with the Indian National Congress, stated, "regarding *general* constituencies with a *large labour vote*, the Trade Union Congress authorises its Executive Committee to approach the Working Committee of the I.N.C. through the Labour Committee to adopt such candidates in these constituencies as will be suggested by the Trade Union Congress and enjoy the confidence and support of the Trade Unions in the constituencies concerned. In case the Indian National Congress does not accept these proposals the Trade Union Congress authorises the Executive Committee to take such action as may be thought proper."

The present conflict has arisen with regard to E and F wards in Bombay city. These wards have predominantly a labour population and "a large labour vote". Accordingly the T.U.C. Executive by a resolution suggested to the Bombay Provincial Congress Parliamentary Board to adopt Com. Nimbkar for one of the three seats in this ward. It may be pointed out to you here, as you are not expected to remember off hand all the details, that this ward has three seats one being reserved for

the scheduled castes and the Trade Union Congress suggested a candidate only for one out of the three seats. The Trade Union Congress could have suggested a candidate even for the reserved scheduled caste seat taking into consideration the fact that a large part of the voters of this section also are workers in the factories. Unfortunately the Congress Parliamentary Board refused to accept the Trade Union Congress recommendation and filled up all the three seats with candidates of its own choice. The Trade Union Congress, thereupon, appealed to the Working Committee to advise the Congress Parliamentary Board to accede to the request of the Trade Union Congress. But to the knowledge of the T.U.C. the Working Committee did nothing in the matter.

Com. President, you are fully aware that the Congress Parliamentary Board under the guiding genius of Sirdar Vallabhbhai Patel has entered into pacts with even communal parties and organisations, whose avowed object is to work the constitution for what it is worth. Congress committees and the Congress Parliamentary Boards, collectively and their leaders, individually have discussed days and hours. Pacts with parties like the Congress Nationalists, Democratic Swarajists, etc., whose main plank of argument against the slave constitution is the Communal Award and who have tried time and again to disrupt the Congress from within. The All India Congress Parliamentary Board have accommodated these parties and their leaders, and as President of the Indian National Congress with a burning desire for anti-imperialist struggle you yourself, once fought against the tendency to opportunist compromises with reactionaries and erstwhile pro-imperialists such as Honorary Magistrates, Divan Bahadurs, who in the last National Struggle did not hesitate to beat or shoot down congressites, workers and peasants and students or cooperated with Government in other ways. Was it too much then to expect that with the President like yourself, once the President of the All India Trade Union Congress, a Socialist and a fighter, sitting at the head of the Working Committee, the recommendation of the Trade Union Congress which is not a pro-imperialist organisation, but an anti-imperialist one, would soon be accepted? But to the surprise of the Trade Union Congress and many a congressman the contrary came true.

You are likely to say that this going into past history is unnecessary. "Once a decision has been taken it is for all congressmen to obey it." But decisions once taken can also be revised and it would not be improper or out of order for me both as an A.I.C.C. member and T.U.C. worker, to request you to reconsider the whole position. Only the other day in reply to Mr. Jinnah, as a Congress President you elected to speak both for the Muslims and Hindus and yet you offered cooperation to the Muslim

League and "other organisations" "on the basis of anti-imperialism" and "good of the masses". That is why by pointing out to you the injustice that has been done to the Trade Union Congress and the spirit shown therein, I would request you to persuade the Indian National Congress to withdraw in favour of Com. Jogalekar.

As regards the charge that I openly and deliberately violated the rules of the Congress, I have to say this. After the Faizpur meeting of the Trade Union Congress, a public meeting was called in Bombay by the Bombay Provincial Trade Union Congress to explain the decisions taken at Faizpur. As an official of Trade Union, I explained the resolutions. One of those resolutions and explanations included the resolution regarding the setting up of a candidate on T.U.C. Ticket, in the E and F wards in Bombay. Soon after this meeting your circular and statement drawing attention to the disciplinary rules and the direction to apply them in this election propaganda, appeared in the press. So I ceased participation in the election propaganda in these wards for either side. The Secretary of the Bombay Provincial Congress Parliamentary Board has written to me and to you also that I have been continually addressing meetings. That statement is incorrect. So far I have done nothing to violate the rules. I rather choose to resign, if I cannot abide by your direction as President. And when I make this choice of resigning, I am following one direction of yours,—"send soldiers of freedom to the Legislatures—". Just as a vote for the Congress is a vote for freedom so also a vote for the Trade Union Congress, for Com. Jogalekar, is a vote for freedom. A vote for an internee, a victim of Repressive Act, cannot be a vote for slavery. Even you would wish the Trade Union Congress success, had there not been a position of choosing this or that, a position of slight conflict, forced upon us by the attitude of the Congress Parliamentary Board. Hence, I wish to state to you frankly that I want success to the Trade Union Congress Man and if he cannot get it, I want it, for none else than the Congress nominee.

Yours sincerely,

S.A. DANGE
Member, A.I.C.C.

26

Nehru Reiterates Goal of Congress¹ (Extract)

19 January 1937

The conditions in the country have worsened during the last fifteen years or so. We have been fighting to attain freedom for our motherland. We have seen noncooperation and satyagraha movements, but the present desire to achieve Swaraj, now surging everywhere in the country, is much more deep-rooted and powerful. . . . Freedom is never achieved by the leaders pressing a button. Great achievements are possible only when the leaders are backed by popular force. When millions of men move towards one objective in complete unity a situation is created which by itself makes freedom possible. Political, economic and social matters are of far-reaching importance and certainly something new by way of an economic organization would come out of it removing our poverty and solving our problems.

The goal of the Congress is panchayat raj wherein all would participate and the people would have the reins of power and administration in their own hands. We have to acquire power; and we can do so only by constant exercise of strength in political struggles. People or nations can develop strength only when they make efforts to become self-reliant. . . .

¹ Speech delivered at Dehra Dun on 19 January 1937. *The Hindustan Times*, 22 January 1937

27

*Home Departments' Instructions With Regard to
Celebration of Independence Day¹**Home Deptt. (Political) F. 4/1/37*NEW DELHI,
20 January 1937

We have just received intelligence that Jawahar Lal Nehru as President of the All India Congress Committee has issued a circular no. 3, dated 2nd/11th January,² to all Provincial Congress Committees with regard

¹ Sent to all Provincial governments.

² See No. 5.

to celebration of Independence Day on January 26th, in which he has stated that essential part of celebrations will be repetition of the Independence Pledge of 1930. "We therefore pledge ourselves afresh to this great cause of India's freedom and to the ending of the exploitation of our people and resolve to work to this end till success comes to our people." Text of Pledge retains the passage: "The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined India economically, politically, culturally and spiritually" and rest of pledge develops these ideas.

2. We have no doubt that words quoted are definitely seditious. We would, therefore, suggest for your careful consideration that if you have reason to believe that Independence Day celebrations will take place and be accompanied by reading of Pledge containing the above words, action suggested by the Bombay Government in correspondence forwarded to you with our above quoted letter should be taken, viz. (1) Independence Resolution of January 1930 should be declared forfeited under section 19 of the Indian Press (Emergency Powers) Act, 1931 (2) Consequential action should be taken against any person giving publicity to such resolution or to any portion of it containing the passage above quoted by prosecution either under section 5 of Criminal Law Amendment Act, 1932, or under section 124A, Indian Penal Code.

We also suggest for consideration that it would be desirable that any Gazette Extraordinary containing notification under section 19 of Indian Press (Emergency Powers) Act should be accompanied by a communique explaining reasons for action taken and intention of enforcing the law against persons acting in contravention of it, as it appears probable that knowledge of intention of Government to take firm action in this case will deter attempts to include this item in celebrations.

3. In other respects attitude towards Independence celebrations may be as indicated in correspondence above referred to, i.e., mere academic advocacy of Independence need not be regarded as seditious. In deciding what action to take you will no doubt consider possible reactions on your elections, but subject to any special conditions or difficulties in your province we regard Nehru's action as a challenge to Government which should be met.

28

*Communication for Viceroy's Approval to Home
Department's Instruction Regarding
Independence Day Celebration*

Home Deptt. (Political) F. 4/1/37

NEW DELHI,
20 January 1937

We have despatched following telegram¹ to all local governments. We trust our action will have His Excellency's approval.² As Independence Day is fixed for 26th instant it was necessary to warn local governments immediately.

¹ See No. 27

² Viceroy's approval was communicated telegraphically on 20 January 1937

29

*Confidential Appreciation of the Political
Situation in India for the Cabinet
(Extract)*

Cabinet Papers No. 24/267

21 January 1937

2. Canvassing for the forthcoming provincial elections continued briskly in most provinces. The selection of candidates made good progress, and a number of seats will be well contested. Internal dissensions among the various groups are numerous, and there is often a tendency to place personal considerations above questions of policy and programme. The Congress party has in some places found it difficult to maintain discipline in its ranks, and there are several constituencies in which Congress candidates are standing against one another. On the whole, electioneering activities have been proceeding peacefully and have led to little disorder.

3. The annual session of Congress took place at Faizpur in the East Khandesh District at the close of the month. A rural locality was selected on this occasion for the session in order to advertise the claim of

Congress to represent the rural population. In spite of local difficulties the session was, on the whole, well organised and attracted a large number of visitors. Among the 22 resolutions passed only a few were important. The principal resolution reiterated the rejection by Congress of the Government of India Act and repeated "its resolve not to submit to this constitution or to co-operate with it but to combat it both inside and outside the legislatures so as to end it". The resolution further directed Congress members of the legislatures to put forward in the new assemblies the demand for a Constituent Assembly elected by adult suffrage which was to be supported by mass agitation outside.

It was further resolved that the question of acceptance of office by Congress members would be decided by the all-India Congress Committee after the provincial elections. By another resolution it was decided that a convention should meet after the elections consisting of the elected Congress members together with members of the all-India Congress Committee to determine methods of giving effect to the Congress policy in the legislatures and to put forward the demand for a Constituent Assembly. Among other resolutions, one warned the country to resist attempts to utilise Indian man-power and resources in the event of a war in which Britain was involved. Another called for a nation-wide "hartal" or general strike on the 1st April, the day of the inauguration of the new constitution. Another declared that Congressmen could not participate in any way in functions connected with the King's coronation and urged the nation to abstain from such participation, but added that this was in no way intended to express any ill-will or discourtesy to the King's person. The addition is a significant concession to Indian public opinion which has repeatedly given remarkable evidence of its devotion to the Throne on such recent occasions as the Silver Jubilee and the death of King George V and the accession of his successors.

The revival of the demand for a Constituent Assembly, which had been in abeyance for the last two years, is not likely to excite much enthusiasm. Both speeches delivered during the session and subsequent discussions in the press have revealed a considerable variety of opinion as to the meaning to be attached to it and the opportunity which will be found for putting it forward. The proposed convention appears to be intended as a means of preserving discipline amongst Congress members of the legislatures and preventing them from adopting a provincial outlook, with its consequent danger of being attracted towards contacts in constitutional parties in the provinces. A feature of Pandit Jawahar Lal Nehru's presidential address was the emphasis laid on the importance of organising a mass movement as a means of establishing the power of Congress. The practical method resolved upon to achieve this object is

to establish primary committees in villages and towns in order to assist the penetration of Congress ideas and to place Congress on a more democratic basis.

The agrarian programme put forward by Congress in another of its resolutions is, no doubt, intended to further this mass appeal. Among the items of this programme are a substantial reduction of rent and revenue and the wiping out of previous arrears of rent. Since, however, all constructive work in the Legislatures is repudiated, it appears that the object of this programme is only to stimulate extravagant demands, which may be embarrassing to future Governments, and assist Congress in fomenting unrest. Another feature of the Presidential speech was a bitter attack on the Indian States as a relic of the feudal past and a declaration of determination to resist the introduction of any federal structure which included the States as members.

Generally the language used in the speech was moderate and the socialistic views of the President were kept in the background. But a clear hint was given of his personal view that landlordism should ultimately be abolished. The Congress Socialist Party, although it exercised some effects on discussions and demonstrated its increased strength, did not succeed in materially influencing the resolutions adopted by the official body of Congress. An All-India Socialist Conference was held during the Congress Session but attracted little interest and the same was the fate of the All-India Kisan Conference. An attempt to hold a united conference of the various bodies with socialist or communist sympathies proved a failure owing to disagreement amongst their leaders. One incidental result of the proceedings was the formation of an All-India Youth Association to provide a rallying ground for progressive elements in the country.

Partly owing to Mr. Gandhi's presence and his influence behind the scenes, the Session came to an end without any important clash of views and the semblance of a united front was preserved. This result was, however, no doubt influenced largely by the proximity of the elections. The Working Committee of the previous year was continued without a change.

4. A strike has been in progress on the Bengal Nagpur Railway since the 13th December, arising out of the reduction of 27 men who were offered temporary employment in a lower grade pending their reabsorption in their original grade. This offer was refused and the men were consequently discharged. About 30,000 men are involved in the strike and there are, at present, no indications of their return to work in the near future. Meanwhile, mail and passenger services have been fully maintained, while goods services vary from 50 to 80 per cent of normal.

5. A serious explosion in which about 203 lives were lost occurred at

the Poidih Colliary in Bengal on the 18th December. When descent was possible, the rescue parties found evidence of great violence below ground and were driven back by dense fumes. As it was clear that there could be no life in the mine, it was decided to seal up the shafts to avoid the fresh danger of fire.

30

*Herbert Emerson to Linlithgow on Election
Campaign of Nehru in Punjab (Extract)*

L/PO/6/99 (1)

GOVT. HOUSE, LAHORE,
21 January 1937

2. The elections began three days ago, and so far are pursuing a normal course. There is great keenness, but up to the present there has been no tendency towards disorder, the few incidents that have occurred being checked at once by the police. In Lahore at any rate, impersonation has been dealt with promptly and firmly, and this should have a salutary effect. I doubt whether any village in the Province has not been included in the election campaign by one party or another, and most villages have had a constant succession of visits from canvassers. There has certainly been a great stirring of the political consciousness of the masses. It is too early to say what the effects will be, but I doubt whether they will be more than temporary. In many constituencies the fight has been between local men, who depend on local influences, and general questions have come little into the picture. This is particularly so in Muslim constituencies. On the other hand, where there is a Congress candidate, and also in most Sikh constituencies where the contest is between a moderate and an extremist, there has been a good deal of talk about political questions, using "political" in the old sense. For instance, capital has been freely made against a candidate who is suspected of being a Government man, or who has been loyal towards Government. This has been specially marked in Sikh constituencies, and I was told the other day that with many of the smaller voters there was a definite prejudice against any one who could be described as pro-Government. The results will show how far this has been an important influence. I think it has been probably confined to a few districts, and within those districts to certain Sikh and Hindu constituencies. The opinion, however, is not

infrequently expressed by the bigger men in the Province that this tendency is likely to be much more in evidence five years hence, and they are apprehensive regarding the spreading of communist and socialist ideas.

Pandit Jawahar Lal Nehru has just finished a flying visit of three days to the Province. The visit was confined to half a dozen towns, and he was unable to spend much time in any of them. He drew big crowds wherever he went, and there is no doubt about his personal attraction. This, I believe, very largely discounts the unpopularity with some classes of the doctrines he preaches, and it is a mistake to attach undue importance to them as circumscribing his powers of mischief. I have not yet seen official reports of his speeches. From newspaper accounts I have got the impression that he is less concerned with the success of Congress candidates at the polls than with the opportunity which the elections afford of propagating seditious ideas and preaching the programme of independence. While he will no doubt use the new Constitution to stir up as much trouble as he can, he seems to be depending more on external events before attempting action on a serious scale. He is extremely dangerous, especially as he possesses greater qualities of effective leadership than Gandhi. So far as the election results are concerned, his visit to the Punjab may give Congress three or four seats which they might otherwise have lost, but is unlikely to do more.

The election campaign has not been without its humour. In Amritsar, for instance, the rival Sikh candidates decided to carry on a joint campaign, and they organised a tour in the villages of the district. A Stage Secretary was appointed before a meeting was held, and it was his business to see that speakers on either side were allowed the same amount of time. The meetings were attended by the supporters of the two sides, and at several the rival women candidates were also present, who told the audience what they thought of each other. The police reports were amusing, and generally ended with the sentence—"The meeting then broke up in disorder as the Stage Secretary had allowed too much time to one of the parties". I imagine every one has got a good deal of fun out of the preamble to the New Constitution, whatever, they may get out of its working.

H.W. EMERSON

3I

*Zetland to Ghuznavi on the Communal
Pact in Bengal**L/PO/6/70**22 January 1937*

MY DEAR SIR ABDUL HALIM,

Many thanks for your letter of the 7th and for the copy of the correspondence which has passed between you and the Maharaja of Burdwan on the subject of the Communal Award in Bengal.¹ I need hardly say that I have received your news with very deep interest. I can well understand how much labour must have been required before an agreement such as that which has now been reached could have been concluded and I must congratulate you upon the tact and tenacity of purpose which you have displayed in carrying on these negotiations. Much, no doubt, must depend upon the reception which the agreement receives from the two communities; but a great deal will have been gained if the agreement which you have secured serves to allay the acrimonious discussions which have been going on for some time past. I do not, of course, know what the Governor's intentions may be with regard to the appointment of Ministers under the new Constitution. Indeed, I should imagine that his own mind will not be finally made up until the result of the elections is known and a good deal must, of course, depend upon whether he finds it possible to appoint Ministers on the basis which is contemplated in the agreement which you have concluded.

With kind regards and all good wishes,

Yours sincerely,
ZETLAND

32

*Bombay Government Bans Independence Day Pledge**Home Political F. 4/1/37**22 January 1937*

Whereas it appears to the Governor-in-Council, that the resolution beginning with the words "We believe that it is the inalienable right of the Indian people" issued by Pandit Jawahar Lal Nehru from Allahabad on the 17th January 1930, on behalf of the Working Committee of the All-India Congress Committee for adoption by public meetings all over the country on the 26th January 1930, and published in the issue of the Bombay Chronicle, dated the 18th January 1930, contains matter of the nature described in clause (d) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 (xxiii of 1931).

Now, therefore, in exercise of the powers conferred by section 19 of the said Act, the Governor-in-Council is pleased to declare to be forfeited to His Majesty every copy of all documents containing the said resolution or any translation thereof, or containing any substantial portion of such resolution or translation.

33

*Swami Sahajanand's Instructions to
Kisan Workers (Extract)**Congress Socialist, 23 January 1937*

INSTRUCTIONS TO KISAN WORKERS

Swami Sahajanand Saraswati the General Secretary of the All-India Kisan Sabha has addressed the following letter of instructions to Kisan workers and organisers in the country.

The All-India Kisan Congress held at Faizpur restated and emphasised the fundamental and minimum demands of the peasants and further expressed its opinion that they could be best achieved by advancing the day to day struggle of the Kisans through the medium of their own class organisations.

With a view to guide the *kisan* workers all over the country in their

work of aiding and organising the *kisans* in their daily struggle against economic exploitation and political oppression, the following detailed instructions are now being sent to all *kisan* comrades, provided that they will have the right to choose their own practical line of action, in close conformity with the spirit underlying these instructions, but in harmony with the varying local circumstances from time to time.

1. First and foremost the *kisan* worker must help the *kisans* in their daily disputes with the Government. These relate to the valuation of the crops in the *ryotwari* areas, the suspension and remissions of land revenue and lowering of water rates and timely supply of irrigation water and timely repairs of irrigation works, wherever irrigation water is supplied by the government. In regard to all these, a *kisan* comrade must help the peasants in pressing Government by all legitimate means.

2. In the event of revenue revision or resettlement being ordered by Government, *kisan* comrades should collect all possible detailed materials regarding crops, production gross and net incomes from land etc. and submit it to the settlement officer and to the Higher Kisan Committees and should carry on a vigorous propaganda for preventing Government from imposing additional taxation and for reducing the existing rate of taxation.

3. In as much as to-day the land revenue burden has become unbearable due to the fall in prices, it is essential that immediate steps must be taken to ask Government on behalf of cultivators of the village to revise the land revenue in a lower direction, to familiarise peasants, with the provisions of the Civil Procedure Code as to enable them to delay the payment of revenue long enough for them to realise money by the sale of their produce and pay the *kist* without, undergoing any great hardship and to prevent Revenue officials from coercing peasants by taking advantage of the peasants' ignorance.

4. In time of famines or floods, an enquiry should be made into the sufferings of peasants, their needs specified and demands formulated and protection from Government and public sought for the suspension of land revenue, old *taccavi* dues and debts.

5. Inquiries must be set up on foot by every village and Taluka Peasants' Committee to collect information regarding land tenure, wells, canal dues, pastures and grazing lands etc. incidence of direct and indirect taxes, upon peasants and proper publicity obtained for it in the local press.

6. In the zamindari areas the *kisan* comrades must get *kisans* to ask the Government and zamindars to assess revenue on the lands that they cultivate according to *ryotwari* rates of land revenue in the *ryotwari* areas and to get their land properly surveyed and settled, their land repaired, and on the basis of the great difference between the Government Land

Revenue assessment and the rent exacted by the zamindar, a persistent campaign for the lowering of the rent and repairs of tanks and the granting of remission ought to be carried on. In this struggle every provision of the Tenancy Laws, Revenue Codes etc. ought to be fully exploited and an offensive should be constantly launched on the zamindars in the courts, before Government and through legislatures and by public agitation to force them to discharge their duties at least as laid down by the Laws of the land.

7. Furthermore the tenants must be warned against signing printed lease forms which in addition to rent, make all sorts of other demands indicate wrong or bigger areas in any *patta* or stipulate any onerous conditions.

8. Illegal exactions of any kind must be legally fought and the zamindars and the landlords must be prosecuted in test cases.

9. As far as possible, collective bargaining by the tenants of one landlord must be promoted in order to obtain better terms for all and collective consultation before any action is taken by any group of peasants, must be insisted on.

10. Rights on trees in the fields and rights of free grazing and fuel and thatching straws and leaves, right over all communal grounds and properties must be safeguarded, insisted upon and secured.

11. Tenants, whenever their demands are refused, or who are otherwise oppressed in any manner, should be asked to take the most effective collective action decided upon locally.

12. An inquiry must be instituted in every village regarding the conditions, extent and incidence of suffering of the serf or slave labour and reports submitted to the higher committees and Government and legal and other action taken to abolish such serf labour.

13. So far as the rich peasants or intermediaries who also rent out lands for cultivation are concerned, *kisan* comrades must see to it that every lease is carefully scrutinised and collective bargaining promoted and the scale of rents lowered and rack-renting prevented.

14. Tenants should be advised to refuse to cultivate the soil or to pay the rent wherever tenants do not have the permanency of tenure of right of alienation, until all disputes are settled between the landlord or the intermediary and his tenants.

15. Wages and conditions of work of the farm labourer must be inquired into and every opportunity must be utilised to effect improvements in their conditions by negotiating with the peasants and by assisting their organised strike against zamindars and planters.

16. In so far as the money lender or the *sowcar* is concerned the *kisan* worker must scrutinise and examine all accounts and interest charges and lease papers concerning indebted *kisan* and do everything possible to

negotiate for the lowering of interest rates and exempting of a portion of the accrued debt.

17. Collective resistance may be offered to high interest charges, and if necessary and advisable, social boycott adopted against the arrogant and unreasonable *sowcars* and their shops boycotted to bring them to reason. Legal assistance ought to be offered to all indebted peasants and in order to escape from the unconscionable clutches of money-lenders, the *kisan* workers should try their level best to see that co-operative and *taccavi* credit is provided for all peasants.

18. So far as the merchant is concerned, the villagers must fight for proper weights and measures and prevent any illegal exactions in kind or cash being made by merchant or the *sowcars* under whatever pretext it may be.

19. As far as possible collective fixing of the fair price of agricultural produce ought to be obtained and co-operative sales must also be encouraged and grain market organised for the purpose and information regarding the market prices broadcast from day to day or week to week through public meetings and other means.

20. In so far as canal rates and other water rates are concerned, the villagers should be collectively asked to approach the Government to lower canal dues in order to bring them in line with the fall in prices. Wherever no water is received, canal dues should be refused as long as it is legally possible to do so and authorities must be approached with a view to get them cancelled, and the revision of water rates must be demanded so that only such rates will be collected as will cover the investments upon irrigation projects.

21. A fight must be carried on to get remissions of all canal rates in times of famine, drought, cyclones and floods.

22. The distribution of water between several villages should be settled by peasants committees of the villages concerned and the irrigation officers ought to be influenced to obey their decisions, except under extraordinary circumstances when such disputes ought to be referred to irrigation advisory committees consisting of officials and representatives of the village committees.

23. Arbitrary and unjust orders of the irrigation officers must be scrutinised and exposed and brought to the notice of the superior authorities and bribery when found among such officers ought to be put down by every legitimate means.

24. The monopoly of canal waters by sugar companies and other concerns and individuals must also be opposed and the rights of ordinary peasants must be asserted by agitational and legal means.

25. In so far as forests are concerned, free grazing and free fuel bamboo and timber rights must be insistently demanded by the *kisan* and

vigorous agitation carried on for the purpose and exorbitant compounding fees now prevailing lowered, and the arbitrary and coercive methods and corruption found among forest officers put down.

26. Special attempts ought to be made to put down bribery and corruption among all the officers of Government and landlords and co-operative and local self-Government movements.

27. Peasants *morchas* ought to be organised both at the peasants conferences and local and district and higher authorities to create a mass consciousness among the *kisan* and to awaken the authorities to the realisation of the collective demands of peasants.

28. Minimum and fair prices for sugar-cane, jute, cotton, rice, wheat, groundnuts, and other crops must be sought to be established especially whenever and wherever protection is granted to the manufacturers interested in those crops.

29. Everything proper and possible should be done to undermine the influence of the power of landlords, *Sahukars* (*sowcars*) and other exploiting classes, and for this purpose, every *kisan* comrade ought to try to strengthen the *kisan* as against landlords and *sowcars* and prevent the alienation of their lands, and auctioning of their properties and cattle etc.

30. It is the duty of every *kisan* comrade to continually familiarise and popularise the Charter of the Fundamental and Minimum Demands among the *kisans* and for this purpose, he ought to utilise every fraternal platform.

31. It is imperative that the awakening and rising political consciousness amongst the *kisans* should be crystalised in concrete organisational forms if the struggle of the *kisans* is to be carried forward with the least possible delay to a successful end. Therefore, I exhort all *kisan* workers to strive to their utmost to cover the length and breadth of the land with a network of *kisan* organisations with mass memberships which will form the basis of the future fight for political and economic emancipation of the *kisans*.

32. *Kisan* comrades must encourage the holding of *kisan* fairs and sports as well as agricultural exhibitions from the *kisan* point of view along with *kisan* conferences to promote intelligent appreciation of their own interests and needs through recreational channels.

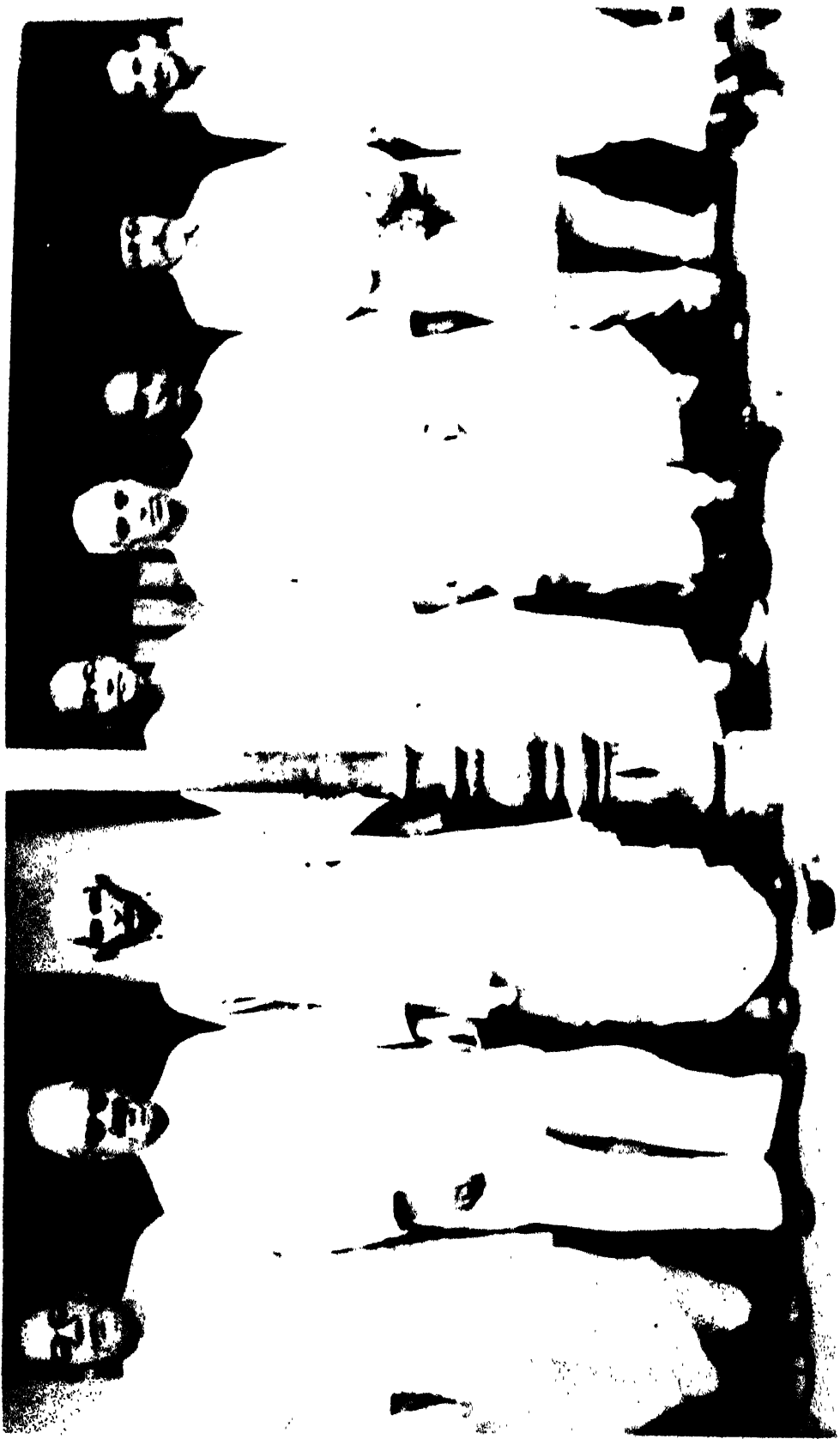
33. Mass singing of *kisan* and national songs must be promoted in order to intensify the solidarity and militancy of the *kisans*.



Mahatma Gandhi with Jawaharlal Nehru and Sardar Patel



Jawaharlal Nehru, Abul Kalam Azad and Subhas Chandra Bose



Some Members of Congress Working Committee. Sarat Chandra Bose, Jaramdas Doulatram, Pattabhi Sitaramayya, Subhas Chandra Bose, Jawaharlal Nehru, Vallabhbhai Patel, Abul Kalam Azad and J. B. Kripalani



Jawaharlal Nehru and Jamna Lal Bajaj

34

*Ranbir Singh on Governor-General's Responsibilities from the Indian States' Point of View¹**L/P&S/B/611**23 January 1937*

The Governor-General's "Special Responsibilities," have been much talked about in press, but it has seldom been analysed from the Indian State's point of view.

Section 12(1) G. mentions the special responsibility of the Governor-General to protect the rights of any Indian State and the rights and dignity of the ruler thereof. So far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions "Exercise his individual judgment" as to the action to be taken. According to section 9 (1), when the Governor-General is directed by the Act to "Exercise his individual judgment", he must consult his ministers and hear what they advise, but he is not bound to follow their advice when given. It is, of course, clear that the Governor-General himself will be the sole judge in all cases to decide whether the question of special responsibility is involved in any case or not.

The scope of the special responsibility with regard to Indian States as embodied in Para 15 of the provisional Instruments of Instructions to the Governor-General is:—

"Our Governor-General shall construe his special responsibility for the production of the Rights of any Indian State as requiring him to see that no action shall be taken by his ministers, and no bill of the Federal Legislature shall become law, which would imperil the economic life of any State or affect prejudicially any right of any State heretofore or hereafter recognised whether derived from treaty, grant, usage, sufferance or otherwise, not being a right appertaining to a matter in respect to which, in virtue of the Ruler's Instrument of Accession, the Federal Legislature may make laws for his state and his subjects."

The J.P.C. report says that the Special Responsibilities do not set apart a Governmental or departmental sphere of action from which ministers are excluded. In their view, it does no more than indicate a sphere of action in which it will be constitutionally proper for the Governor-General or Governor, after receiving ministerial advice, to signify his

¹ The article was published in *United India and Indian States*, 23 January 1937.

dissent from such advice, and even to act in opposition to it, if in his own unfettered judgment, he is of opinion that the circumstances of the case so require. Again on page 95, the J.P.C. reports says:—"As regards the protection of the rights of any Indian State, we have already expressed the view that the special responsibility only applies where there is a conflict between rights arising under the constitution act and those enjoyed by a State outside the Federal Sphere."

The rights to which reference is made in section 12 (1) G. must necessarily mean rights enjoyed by a State in matters not covered by the Instrument of Accession and which may be prejudiced by the administrative or legislative action of the Federation or of a Province. A White Paper (Cmd 4903) which was issued to explain amendments to be moved on the report stage in the House of Commons stated that the words "And the rights and dignity of the ruler thereof" were intended to provide the means of securing for the Rulers recognition of their personal status which has always been accorded to them in British India.

It must also be remembered that the Governor-General in exercising his aforesaid functions must follow the general directions laid down in his Instrument of Instructions. This document is intended to play a considerable role in adopting and developing constitutional practice to meet the growth of political experience in India. It might be used in the course of time to put interpretations upon the course of Governor-General's discretionary powers which might to a certain extent diminish the efficacy of the safeguards they now afford.

Having seen the limited scope of this special responsibility, it is now necessary to find its utility in practice and the amount of actual protection it could afford to the States. The clause itself (Sec. 12(1) G) is rather meagrely worded. It makes no mention of "treaties" of protection by means of military help guaranteed by the Crown to the States. The clause could have been amplified so as to include all the obligations of the Crown. Even as it stands, much reliance is sought to be placed on its efficacy and is shown to be an infallible asset for the federating States in times of constitutional difficulties, in as much as it would always enable the Governor-General to be at their backs. It is problematic, how much the States would care to remain as a hot-house plant capable of development only in the exotic atmosphere of Viceregal protection; specially when the States feel that they should have a statutory guarantee of their rights and privileges in and outside the States by providing for it in their Instruments of Accession. In the latter case the Federal Court will be able to take cognizance of their rights. A declaration by the Federal Court on such points will put an end finally and for ever to all legislation on those points, while on the other hand, the action of the Governor-General is bound to raise political controversy and repeated

attempts may be resorted to for a particular legislation. Besides the Governor-General might at times find it difficult to resist a strong ministry or even a persistent legislature who are not able to see eye to eye with the Indian States.

As regards the judicial sanctions behind the special responsibility, it must be borne in mind that no legal proceedings can be instituted to compel the Governor-General to act in the discharge of his special responsibility. He alone will be the sole Judge to decide whether he should so act or not. The discretionary powers of the Governor-General are thus legally unenforceable. It has been held by the High Court of Australia (the King vs. the Governor of South Australia 1907) that the courts cannot compel the performance by the Governor of a State of his duty even though it be a duty cast upon him by the Federal constitution itself. Nor could any Instrument of Instructions to the Governor-General with regard to his special responsibility have any judicial recognition or be legally enforceable in a court of law. The Instructions to the representatives of the Crown are thus merely a "Political" direction and nothing else.

The protection afforded by the aforesaid special responsibility appears to be of a limited use only and it is much safer to include as far as possible the rights and privileges of the States in the Instrument of Accession itself which alone can give them a judicial guarantee.

35

Erskine to Linlithgow Regarding Reaction on Home Department's Proposal for Banning Independence Day Pledge

Erskine Papers

24 January 1937

MY DEAR LINLITHGOW,

This letter deals with the performances of the Home Department of the Government of India in regard to the question of the banning on the so called "Congress pledge of Independence."

On January 21st my Government received a telegram¹ from the Home Department, saying that this "pledge" was definitely seditious, and that provinces were to consider most seriously whether they ought not to

¹ See No. 27.

declare the document to be forfeited and arrest and prosecute anybody reading or publishing it. The terms of the telegram were permissive in character, but it was obvious from the context that strong action was greatly desired.

On the receipt of this telegram it was at once considered by the Governor-in-Council, and we all came to the conclusion that it would be unwise to ban the pledge for the following reasons:-

(1) That the course of action proposed would merely give prominence to a document that would otherwise pass unnoticed.

(2) That to resort to what may be called repressive measures at this juncture would only help the Congress at the coming elections.

(3) That the course we were being pressed to pursue appeared to be in direct contravention of the policy advocated in your private and personal letter to me of 29th December.

(4) That Nehru and his friends had been saying the sort of thing that appears in this "pledge" for months all over India, and it did not seem to us to be wise or fair to prosecute the minor fry when the Congress President had been allowed to carry on the same type of propaganda for so long unimpeded by the Authorities.

We therefore informed the Home Department of our views, saying that we did not propose to ban the "pledge" unless it was considered desirable to do so in the interests of uniformity.

Next morning, however, it became clear through the press telegrams that various provinces, including Bombay our near neighbour, had already taken action in the matter and banned the "pledge". It was therefore obvious that our first and main objection, namely that to follow this course would only give a public importance to the document that it would not otherwise possess, had been completely frustrated, as the fact that Bombay had banned it was immediately given prominence to all over the continent.

My Government were therefore forced to review their decision, and formed the opinion that it would be impossible for us to let Bombay and other provinces down, and reluctantly come to the conclusion that we must conform with their action. It would also have been said by Congress that, while other Governments were banning the "pledge", the Madras Government were afraid to take action against them; and they would have asked with some justification why this document was considered to be so seditious as to require severe measures in some Provinces, while it was allowed to be scattered broadcast in others.

I may say that I have even now no idea as to how many provinces are taking action, but as the Press Telegrams come in their number is increasing. Nor do I know that what effect our action will have in regard to the election campaign, or whether the Congress candidates will defy the ban and court arrest and imprisonment, though I do not think that that is

all likely; but that they will attempt to make political capital over the alleged repressive orders of the Government is quite certain.

There are therefore two considerations that I should like to put before you. In the first place, ought not the Government of India themselves to have taken the responsibility of making a decision on such an important and serious matter, which does practically amount to a reversal of policy, instead of leaving it to individual Provinces to decide? and secondly, if such action was to be taken at all, should it not have been taken in every province at the same time?

It is my view, and also that of my advisers, that if this "pledge" was to be banned, we should have received definite and clear orders from the Home Department in that sense, and not have been left guessing as to what course other provinces were going to follow.

Actually we were placed in a most difficult position, because the orders we received from the Home Department were in no way positive, and the only information as to what was happening elsewhere came to us through the Press. In fact my Government and I think that we have a legitimate cause for complaint owing to the manner in which this matter was handled by the Home Department.

Yours very sincerely,
ERSKINE

36

Nehru's Instructions Regarding Independence Day Pledge¹

The Hindustan Times, 25 January 1937

I find that some provincial governments have banned the publication of the independence pledge. So far as I know, this is the first time that this pledge has been banned, although it has been used and repeated often during the past seven years. It is evident that the tremendous mass enthusiasm for the Congress, which is evident everywhere, has upset the nerves of these governments. For the present, it is not our policy or desire to commit breaches of such orders, and so where there is a ban, it is desirable not to use this particular pledge or form of words, but the Independence Day meetings must be held widely and a brief pledge reiterating the old pledge should be taken.

¹ Issued at Kanpur on 24 January 1937.

37

*Persons Detained as State Prisoners¹**The Legislative Assembly Debates, Vol. 1, 1937**25 January 1937**(1) Released*

| Year | Province concerned | Number detained | Approximation duration of detention |
|------|--------------------|-----------------|--|
| 1907 | Punjab | 2 | 6 months |
| 1908 | Madras | 1 | 3½ years |
| | Bengal | 9 | 14 months |
| 1912 | Madras | 7 | 6 months |
| 1914 | Madras | 4 | 4 months in 3 cases and 3 years in 1 case 10 years in 2 cases and 2 and half to 3 years in 5 cases |
| 1915 | Madras | 4 | 1¼ years to 5 years |
| | Bengal | 10 | 6 months to 4½ years |
| 1916 | Bengal | 63 | 3½ months to 4½ years |
| | Punjab | 3 | 6 months to 2 years |
| 1917 | Bengal | 47 | 6 months to 4 years |
| | Ajmer-Merwara | 2 | 2 years and 2¼ years |
| 1918 | Bengal | 18 | 6½ months to 2¾ years |
| 1919 | Bengal | 8 | 4½ months to 1 year |
| | Central Provinces | 2 | 7 months |
| | N.W.F.P. | 12 | 5 months |
| 1920 | N.W.F.P. | 2 | 1 year 10 months to 2 years |
| 1923 | Bengal | 17 | 1¼ years to 4½ years |
| | Punjab | 1 | 10 months |
| | N.W.F.P. | 1 | 9 months |
| 1924 | Bengal | 32 | 2 months to 4¼ years |
| | N.W.F.P. | 1 | 8½ months |
| 1925 | Bengal | 1 | 1 month |
| 1927 | Punjab | 1 | 1½ years |
| 1928 | Punjab | 2 | 1 year to 2½ months |
| 1930 | Punjab | 3 | 3 years to 3½ years |
| 1931 | Bengal | 1 | 1 year 10 month |
| | Punjab | 2 | 3½ months and 3 years |
| | N.W.F.P. | 4 | 2½ years |
| 1932 | Bengal | 4 | 1 year to 4 years |
| | Bombay | 2 | 4 months and 2½ years |
| | Punjab | 1 | 10 months |
| 1933 | Delhi | 2 | 1½ and 2½ years |
| | Punjab | 1 | 1 year |

Note: In addition, approximately 245 Moplahs were detained as State Prisoners between 1922-24 in connection with disturbances in Malabar involving forcible conversions. These persons were all released gradually between 1924-1931.

¹ This information was given in reply to a question asked by Amarendra Nath Chattopadhyaya (This Legislative Assembly Debates, 25 January to 19 February 1937, vol. 1, 1937, pp. 125-260)

(2) Under detention at present

| Year | Province concerned | Number detained | Approximate duration of detention |
|------|--------------------|-----------------|-----------------------------------|
| 1931 | Bengal | 11 | 23-25 November 1931 |
| | Punjab | 2 | 10 February and 21 May 1931 |
| 1932 | Bengal | 5 | 1st & 2nd January 1932 |
| | Delhi | 1 | 26 April 1922 |
| 1933 | Punjab | 2 | 4th April & 3rd October 1933 |
| | Burma | 1 | 30th April 1933 |
| | Delhi | 1 | 13th August 1933 |
| 1934 | Madras | 1 | 10 September 1934 |
| | Punjab | 1 | 18 July 1934 |
| 1935 | Punjab | 1 | 14 December 1935 |
| | Ajmer-Merwara | 1 | 23 September 1935 |
| 1936 | Punjab | 1 | 17 March 1936 |
| | Bengal | 1 | 8 April 1936 |

N.B. - The above figure exclude political refugees and Ex-Ruling Chiefs detained as State prisoners for reasons other than those connected with the maintenance of Law and Order in British India

38

Ban on Independence Day Pledge by Provincial Governments

The Pioneer, 26 January 1937

A U.P. Gazette Extraordinary issued yesterday, notifies:

"Whereas the Governor in Council is of opinion that a resolution issued on behalf of the Working Committee of the All-India Congress Committee in January 1930 for adoption at public meetings on the so called "Independence Day", January 26, tends to excite dissatisfaction towards His Majesty and the Government established by law in India;

"And whereas there is reason to believe that there is an intention to read out for adoption at public meetings on January 26, 1937, and to distribute copies of a resolution in substantially the same terms:

"Now therefore in exercise of the powers conferred by Section 19 of the Indian Press (Emergency Powers) Act, 1931, the Governor in Council declares forfeited to His Majesty every copy of any issue of a newspaper and every other document containing the aforesaid resolution or any resolution in substantially the same terms." ...

The Central Provinces Government in a communique announce that in the exercise of powers conferred by the Indian Press Emergency

Powers Act of 1931 all copies of the Independence Day resolution in English or its reprints, translations or extracts have been forfeited as also the Congress Independence Day pledge.

THE FRONTIER

The Frontier Government has also declared forfeited all copies of the Congress Independence Day pledge.

BOMBAY

A Gazette Extraordinary issued by the Bombay Government bans the Independence resolution issued by the Congress Working Committee throughout India on "Independence day" namely Jan. 26.

ORISSA

The Orissa Government in a notification in a Gazette Extraordinary prohibits the observance of the Independence Day on January 26 entailing the reading of the Congress Working Committee resolution containing a pledge which "comes within the mischief of Section 5 of the Criminal Law Amendment Act of 1932, as modified by the Criminal Law Act of 1935 and Section 124-A of the Indian Penal Code."

The notification adds that the reading of the pledge would be direct challenge to the Government which could not be ignored.

The Government has therefore, declared forfeited all copies of any newspapers, book or other document containing the Congress independence pledge, wherever found in Orissa, and has given notice that anyone reading or attempting to read the pledge or attending a meeting at which the pledge is to be read out would be liable to prosecutions and action under the law would be taken against him.

DELHI

The Chief Commissioner, Delhi, has found it necessary to order the forfeiture of all copies of newspaper, book or other document giving publicity to the words of the Congress Independence Resolution or Pledge of 1930. It is impossible, he says, to regard certain portions of the resolution as being anything but dangerously seditious, and any person giving publicity to this resolution or to any portion of it containing definite harmful attack on Government are warned that they will thereby render themselves liable to prosecution under Section 5 of the Criminal Law Amendment Act 1932, and under Section 124-A of the Indian Penal Code.

MADRAS

The Madras Government has issued a Press communique stating that the Governor in Council has observed that the Congress party has

appealed for holding public meetings on January 26 at which one of the principle features is to be the reading and taking of Independence Day pledge.

This action says the communique, will involve the use of a seditious document, which received prominence during the civil disobedience campaign but which was not generally used at celebrations of January 26 in 1935 and 1936 after the civil disobedience movement had been called off. Its use on this occasion will be a direct challenge to the Government established by law and for this reason the Governor in Council is publishing a notification under Section 19 of the Indian Press (Emergency Powers) Act 1931 declaring every copy of the document forfeited....

BENGAL

The Government of Bengal has decided to ban under Section 19 of the Indian Press Act the "independence day pledge" fixed to be read on January 26.

SEARCHES

The offices of the Vidarbha Provincial Congress Committee, the *Matribhumi* and the *Navarajasthan* newspapers and of the Vidarbha Parliamentary Board at Akola were searched on Saturday evening by the police on a warrant issued by the District Magistrate of Akola. The residence of Mr. Biyani, President of the Berar Provincial Congress Committee was also searched. The searches are said to be in connection with the Government communique banning the "independence day pledge" found in a Press were seized under Section 19 of the Indian Emergency Power Act. As a result the search of the *Matribhumi* office about 160 copies of the pledge were seized which was issued as a supplement to the paper.

Mr. Sonaram Dutt, Secretary of the Assam Provincial Parliamentary Committee, was served on Sunday afternoon with the following notice signed by the Deputy Commissioner of Kamrup. "You are hereby informed that the Government of Assam has banned reading of the independence resolution on January 26 and ordered forfeiture of copies of the resolution wherever found. This independence resolution is definitely seditious and Government will take action under the law as requisite."

MR. NARIMAN'S STATEMENT

Apropos the Bombay Government ban on the "independence day pledge",¹ Mr. K.F. Nariman, President of the Bombay Provincial Congress Committee, in the course of a statement declares that the

¹ See No. 32.

Congress will not play into the hands of the Government by defying the ban. He draws attention to M. Gandhi's statement of April 3, 1934 suspending the civil disobedience movement and says that this emphatic opinion, expressed in unequivocal language was seriously considered by the All-India Congress Committee at Patna and adopted with the result that it was not open now for Congressmen or Congress Committee as such to offer civil resistance on behalf of the Congress unless directed and advised by Mr. Gandhi, who was then accepted and recognised as the sole civil resister on behalf of the Congress. However this ban ought not interfere with our "Independence Day" programme so far as other main items of the demonstration in larger numbers to show greater enthusiasm for the Congress goal and ideal.

39

R.M. Maxwell to R.T. Peel on Independence Day Resolution

Home Deptt. (Political) 4/1/37

*New Delhi,
26 January 1937*

It may be useful to you to have some account of the developments which led to our telegram no. 219/220 of the 20th January, giving the text¹ of our telegram to local Governments about the proposed reading of the Independence Pledge at the Congress celebrations of Independence Day on January 26th. It was brought to our notice that Jawahar Lal Nehru had issued a circular² to all Provincial Congress Committees asking them to make a prominent feature of the reading of this pledge. I enclose its full text as published in the "Hindustan Times" of the 22nd January. This follows exactly the wording of the Congress Independence resolution of January 1930, with the exception of the last paragraph. I enclose also for ready reference a copy of the last paragraph as it appeared in the 1930 resolution. This, as you will see, pledged the Congress to civil disobedience and Nehru's circular directs that it should be omitted and the new paragraph substituted. Even with this modification, however, the text of the pledge contains the very objectionable sentence quoted in our telegram and the whole pledge is undoubtedly seditious. For various reasons the reading of this pledge was not interfered with by Government in 1930 and 1931, but from

¹ See No. 27

² See No. 5

1932 onwards it has never been countenanced by Government and few attempts have been made by the Congress to give publicity to it. In 1932 and 1933, of course, the Congress were under a ban and subsequently they have contented themselves with a modified form of wording as for instance in their "jubilee" celebrations of 1935, when they adopted the text sent with our telegram no. 3420 of the 23rd of December 1935,³ (F. 4/9/35-Poll. Ptd.). It is rather difficult to understand why Jawahar Lal Nehru should have selected this moment for throwing down a challenge to Government. It is possible, however that since the pledge has not hitherto been formally proscribed by Government he reckoned on being able to get away with it on the present occasion and thus to enhance the prestige of the Congress on the eve of the elections. Whatever his idea may have been; however, it was clear that the challenge could not be ignored, more especially in view of the recent attitude of Congress which, as you will see from the accounts of the Faizpur session, is becoming increasingly truculent. But, as you will see from our telegram to local Governments, we left it to them to decide exactly what action should be taken, as something would naturally depend on their appreciation of their local situation, particularly with reference to the elections. Moreover action under section 19 of the Indian Press (Emergency Powers) Act rests with local Governments. Practically all local Governments have agreed with our view and have taken action accordingly, but we have not yet heard full details. The effect, however, of a forfeiture order passed by any local Government under section 19 is that the pledge becomes liable to seizure wherever it may be found in British India.

In case the point is raised that similar ideas have been freely uttered in the electioneering speeches delivered by Jawahar Lal Nehru, and other Congress leaders without action being taken by Government, the answer of course is that there is an essential difference between the use of isolated expressions by an individual in the course of an electioneering speech and the public recitation of a seditious formula as a solemn creed, accompanied by a pledge, as the central function of a formal Congress ceremony. The celebration of "Independence Day" by the Congress has no necessary connection with the current election and could not claim similar latitude.

2. At any rate the action taken appears to have had the desired effect. I enclose a statement⁴ issued to the Press by Jawahar Lal Nehru, which is published in the Hindustan Times of the 25th January, in which he had withdrawn his orders to Congress Committees to read the pledge in the

³ Not printed

⁴ See No. 36

form originally issued. Evidently, therefore, the Congress do not at present feel strong enough to defy the Government, or at any rate it does not suit their plans to provoke a conflict at the present moment. But I think one result of calling their bluff in the present instance will be to reassure loyalists and to strengthen the position of non-Congress candidates in the elections.

40

Haig to Linlithgow on Question of Banning the Congress Independence Day Resolution

Linlithgow Papers

CAMP,

26 January 1937

[Secret & Personal]

MY DEAR LORD LINLITHGOW,

I should like to explain to Your Excellency precisely what our attitude has been in regard to the question of banning the Congress "Independence" resolution, as certain aspects will not be apparent from the official correspondence. When the Government of India telegram suggesting action reached us, I discussed the matter with my Executive Council, both Ministers unfortunately being away. The view expressed was that action of this kind would on the whole have a harmful effect on the prospects of non-Congress candidates. At the same time it did not seem necessary on general grounds to take strong action against the Congress, and we felt that if possible it was better to avoid exceptional measure just before the polling, in view of our long continued policy of non-interference with the Congress campaign. We were, it is true, receiving a great deal of information to the effect that the Congress propaganda was vigorous and was making an impression. But it did not seem to be achieving results greater than one had always expected, and there was little to suggest that an impression was being created which might be seriously dangerous to the peace of the Province. Those were the conditions in which we decided not to take action against the "Independence" declaration.

On Sunday evening we had a reply from the Government of India pointing out that the action already taken by several Local Governments had the effect of making the "Independence" declaration liable to seizure throughout British India. This, and the publicity which had been given to the whole matter by the action taken by other Local Governments,

created a new situation. We felt that it was impossible for us not to seize documents that had been declared forfeited to Government, and that if we took action we must do so effectively and comprehensively, and in that case, it was better that we should issue our own notification, so that there could be no misunderstanding about our attitude or ground for suggesting that we were half-hearted in the matter.

But while this action was, I think, inevitable, in order to conform to that taken by other Local Governments, I want to make it plain that during the discussion we had on Monday morning to decide our policy, I personally had my view altered, and became convinced that the action was definitely required in the interests of this Province. Sir J.P. Srivastava was able to attend our meeting. He had just returned from a tour round the constituencies, and his judgement of the situation was somewhat alarming. He said that he found everywhere a feeling that Government were afraid of the Congress and that this was having a deplorable effect on the non-congress candidates. Apart from the actual electoral results of the atmosphere that is being created. I myself felt that there is some reason to fear that we may be coming within reach of serious unrest in some parts of the Province. I saw yesterday a prominent landholder from a very unpolitical district of eastern Oudh, who a month ago had regarded his return to the Council as an absolute certainty. Now he was almost in a state of despair. He had himself been moving about in the village and he was immensely impressed by the influence that the Congress propaganda was having. He gave me instances of the kind of things that are being done. He declares that the Congress are preaching everywhere that in two months the British Government will disappear and that it is to be replaced by Congress raj. This, I fear, is how the ideas of democracy are presented to the ordinary voter. Volunteers are going about with note-books and asking tenants what their present rent is. The tenant says perhaps Rs. 2 a bigha. The Congress volunteer says: "That's all right. If you vote for the Congress, that will be put down to 4 annas". He writes it down in his note-book and the unfortunate villager is duly impressed. I am inclined to think that candidates are at the moment in closer touch with what is going on in the villages and certainly in the minds of the villagers than our district officers are, and I feel that things may have gone rather further than we officially realise. All this has convinced me that it is decidedly a good thing that we have taken this action against the Congress. And I think we may have to consider stiffening up the attitude of the administration in regard to Congress attacks on Government during the next two weeks, and possibly to taking a pretty firm line also immediately after the elections, if the situation seems to demand it.

As to electoral prospects, I can really add little to what I said in my

letter of January 6th. I think Congress prospects are steadily improving, and though a Congress majority is not anticipated, the margin against them and their sympathisers may be so narrow as to cause a good deal of embarrassment.

Yours sincerely,
HARRY HAIG

P.S. V. —

Contains a splendid retort to His Excellency of Madras! Home Member should see when I've replied to it.

41

Zetland to Wigram on Royal Visit to India

Zetland Papers,

MY DEAR WIGRAM,

27 January 1937

I feel I should put on paper my main reasons for my advice in favour of a Royal visit to India next winter, so that when you speak to His Majesty on the subject he may be fully informed on the matter from every point of view. I need not do more than put my reasons quite boldly, since I elaborated them in course of my conversation with you this afternoon. Briefly, they are as follows:

(1) The extraordinary display of royalty to and affection for the occupant of the Throne, which was quite spontaneous, at the time, which both of the silver jubilee and the death of His Majesty King George V¹ show how greatly the masses of the people in India would appreciate an early visit by the sovereign for the purpose of being Crowned Emperor of India.

(2) It is generally assumed, both here and in India, that it is the intention of Their Majesties to hold a Coronation Durbar in India next winter, and in the event of a postponement disappointment in India at any rate will be very great.

(3) Whatever be the reason given to the public for a postponement, there will be in India, I am afraid, a widespread belief that we fear the Congress. This will, of course, inevitably encourage the Congress and dishearten the loyal.

¹Died on 21 January 1936

(4) There is a risk that by the winter of 1938–39 the Congress, if they meet with any large measure of success in the course of the elections, may consider themselves sufficiently firmly established to take a much more extreme attitude towards a Royal visit than they did at their meeting last month, and that in such circumstances it might be difficult for the Viceroy to give assurances as to the nature of the reception which Their Majesties would receive, which he does feel that he can give at the present time.

(5) It is quite possible that pressure may be brought to bear upon His Majesty to visit one or other of the Dominions, notably perhaps Canada, and the Viceroy and his advisers are agreed that if the King were to visit any one of his Dominions before being Crowned Emperor in India, it would have the worst possible effect in that country.

Finally, it is the considered view of the Viceroy, with which I am in full agreement, that a visit next winter would have an immense effect in keeping alive the tie between Great Britain and India which has always derived its chief strength from the innate loyalty of the peoples of India to the Crown and from their reverence for and devotion to its wearer.

Having said so much, let me add that I regard it, of course, as my duty, to advise on this matter purely from the point of view of its effect upon the relations between India and this country and that I naturally do not feel myself called upon to give advice from any other point of view; and I can quite understand that it may be held that there are reasons of paramount importance, based on other considerations, which may necessitate my advice not being accepted.

Your very sincerely,
ZETLAND

42

Linlithgow to Hubback: Hints on Ministry Formation in Orissa

Linlithgow Papers,

VICEROY'S CAMP,
January 27th, 1937

[Personal & Confidential.]

MY DEAR HUBBACK,

Many thanks for your very interesting letter of 12th January¹ on the political situation. In its fourth paragraph, after analysing the various possibilities, you suggest that in the circumstances you think you would

¹ See No. 13

be justified in asking the Raja of Kanika to form a Ministry for the reasons which you give. That is a matter on which of course you are alone in a position to form a judgment with confidence; though on the facts which you give me I should be inclined in all the circumstances to share your view. If you decide to invite Kanika and he is unable to carry on, someone else can then be tried. I think, however, that I ought perhaps to add that, as you are well aware, were the balance (or the confusion) between parties to prove to be such as to preclude the possibility of a Chief Minister forming a Government, there still remains the expedient of the Governor himself attempting to form a Ministry without the help and advice of a Chief Minister.

Yours sincerely,
LINLITHGOW.

43

Maulana Azad's Appeal to Muslims¹

The Hindu, 30 January 1937

"Even if Muslims wish to view the situation only from the point of view of their own collective interest, the only right path of success for them is that with increasing enthusiasm they should support the Congress and not keep aloof from it. Muslims cannot do anything by keeping aloof from the majority", observes Maulana Abul Kalam Azad in a statement urging Muslim voters of Bombay to support Mr. S.A. Brelvi in the forthcoming elections to the Bombay Legislative Assembly.

"There are only two courses before them, either by supporting the Congress to win the sympathy and help of enlightened and tolerant Hindus or by keeping aloof from it to strengthen the hands of fanatical Hindus," adds Mr. Azad. "The present elections have provided for them a valuable opportunity, they will soon see what a favourable atmosphere for satisfaction of their collective aims has been created. By supporting Congress candidates they can demonstrate that they are not a whit behind any other community in their efforts to win Independence for the country and promote its welfare".

¹ Statement issued in Bombay on 29 January 1937

44

*Hubback to Linlithgow on Political Situation in Orissa**L/P.O./6/99(1)*GOVT. HOUSE, PURI,
February 1st, 1937

MY DEAR LORD LINLITHGOW

This is my fifth survey of the political position in Orissa. I have not this time waited for reports from District Officers.

2. Your Excellency has no doubt already been apprised of the unexpected results of the elections for the Orissa Legislative Assembly. I gather that the Congress Party are no less surprised than others. On the basis of reports received from my District Officers I estimated in my last survey that, at most, the Congress candidates would secure 28 seats. It is now certain that that Party will hold 36 seats. All results are now in.

3. The landslide is almost a complete one. It was expected by the major landlords themselves (as well as by my officers) that at any rate in the centres of their estates they would be able to get in the candidates they supported. But apart from Khallikote, who did this in his near neighbourhood, but not in his outlying areas, Parlakimedi, whose success was partly due to his surrender to Congress in the matter of the Ganjam District Board elections, the Zamindar of Khariar, whose hold on that backward area is still somewhat mediaeval, and Madhupur, who succeeded by a bare majority, the big Zamindar has done extremely badly. The Thikait (*i.e.*, eldest son) of Kanika was defeated by nearly 2 to 1 in the area where his father has his principal seat, and also defeated by the manager of his uncle, with whom there has been a long family feud, in a neighbouring constituency. A smaller Zamindar, the Thatraj of Bissam, Cuttack, got in by buying off his opponent.

4. The most surprising result is that in Koraput, the Orissa portion of the old Madras District of Vizagapatam. The District Officer's anticipation was two non-Congress and one doubtful. The result is three Congress. The Maharaja of Jeypore, whose estate is almost coterminous with the District, is an old and ill man. He told me a few months back that he had no politics. Probably he told others too, and from what I gathered from my tour there, the estate administration presents several targets for attack. As a result in two constituencies (I have only the bare result in the third) the Congress majority was overwhelming.

5. In Ganjam the results are not widely different from anticipation.

But in Balasore and Puri Congress have made a clean sweep of the general seats, and in Cuttack have won 10 out of 12. In Sambalpur Congress secured three out of the four general seats, though they were only expected to win one at most.

6. Among the six Scheduled castes seats five candidates won on the Congress ticket, though one is said to be a wobbler. Congress have also won the Labour seat and the two women's seats.

7. The two Landholders' seats, the Indian Christian seat, and the Backward Tribes (elected) seat have been filled by persons opposed to Congress. None of the successful Muhammadan candidates (four seats) have, I am informed, Congress connections. The result of the contest for the Commerce seat has just been declared. The elected member adheres to the National (Parlakimedi's) Party. The four gentlemen I have nominated for the representation of Backward Tribes in the *ex-Madras* Agency tracts will, I believe, resist attempts to wreck the Constitution.

8. I have given separate interviews at their request to the Raja Bahadur of Khallikote and Rai Bahadur Lokhnath Misra, both members of my Advisory Council. The latter has lost his election and the former, though successful himself, has come in with but few supporters. They both attribute the success of Congress primarily to widely disseminated promises that a Congress majority will provide complete remission of rents and taxes for all whose income is less than Rs. 250, a moratorium for debts for five years, and the abolition of the zamindari system. The Rai Bahadur told me that voters in one constituency brought their settlement papers to the Congress workers after voting, so as to secure a record that would entitle them to remission of rent.

9. I was also informed that Congress workers when canvassing threatened to hang themselves if a vote was not promised and adopted similar methods of attracting sympathy to the Congress Party. The Rai Bahadur complained of the use of force to drag off his supporters in Congress vehicles. I do not think there is much in all this. It is not very different except in method from forms of election appeal outside India, though it illustrates the extreme sentimentality and timidity of the new electorate. The success of the appeal to the pocket, in the shape of promises which cannot be fulfilled without confiscatory legislation and collapse of the credit of the Province, is far more disconcerting. But it must be remarked that the bulk of the non-Congress candidates appealed even more directly to the pocket. There is little doubt that votes were paid for. The complaint is that the goods were delivered to the wrong address. The Raja of Puri, who is Superintendent of the Jagannath Temple, told me that he had supplied Kanika candidates with *Mahaprasad*, the food made holy by presentation to Jagannath. The idea was that electors might be induced to swear upon it that they would vote

straight. Apparently this attempt to appeal to religious sentiment failed.

10. I now turn to the future. It was hinted to me by both gentlemen that I should attempt to form a Ministry out of the non-Congress elements in the new Assembly. Their line of thought is that if a Congress Ministry is formed, and it succeeds in implementing even in a minor degree any of their electioneering promises, the bulk of the electorate will permanently adhere to Congress with grave peril to Orissa and indeed to India as a whole. It seems they hope to detach a sufficient number of members elected on the Congress ticket to command a majority, and consider that the selection of Ministers from the non-Congress element would help.

11. I said plainly to them that such a course of action was contrary to His Majesty's Instrument of Instructions and against the whole spirit of the new Constitution. I consider that in the first instance I must select one of the Congress members and invite him to propose colleagues. If I can find no suitable person among the Congress ranks to accept that invitation, then and only then would my proper course be to attempt to form a Ministry myself.

12. One trouble that I foresee is that I understand the Central Congress organisation intends to defer the decision whether Congress adherents are to be allowed to accept office in the Provinces, until all election results are known throughout India. This will not, I believe, be till the beginning of March, and that will leave very little time for important consultations with Ministers-Designate before April 1st.

13. I have not yet got all the information I require about the successful Congress candidates. But my impression is that not more than 18 of them can be classed as extreme, and the rest would be prepared to take office or support those who did so, unless the Central organisation can dragoon them into contrary action. I have therefore decided, after having some preliminary enquiries made, to invite one of the more moderate Congress members to see me and discuss the situation. The actual President of the Utkal (Orissa) Congress Committee is Pandit Nilkanta Das, M.L.A. Until he makes a move towards seeking a seat in the Orissa Legislative Assembly by persuading some one to vacate a safe seat, I do not think it proper to summon him. It is, however, probable that he will make such a move at some later date. I have been told that no one of the Congress members has anything but a very small personal following among the rest.

14. If I can secure a Congress Ministry, it will be possible to work the Constitution normally at any rate for a time. Such a Ministry cannot fail to be inexperienced and will rest on the support of a "bloc" in the Assembly composed partly of very poorly educated men. The Assembly itself will only contain a sprinkling of persons with previous experience

of a Legislature, and it is to be hoped, though it can hardly be assumed, that it will make a good choice of a speaker.

15. I much regret that my forecasts should have misled Your Excellency, but election forecasts are notoriously uncertain, and the introduction of such a vast number of new electors made the uncertainty unusually great. I need hardly add that I should be greatly obliged for any advice Your Excellency is ready to give me.

Yours sincerely,
J. A. HUBBACK

45

Erskine to Linlithgow: Report on Rajagopalachari's Interview

Linlithgow Papers

GOVT. HOUSE, MADRAS,
February 3rd, 1937

MY DEAR LINLITHGOW

Since I forwarded my Third Report on January 6th¹, there have been a few interesting developments in this Presidency.

In particular, Mr. Rajagopalachariar has returned to politics and has ousted Satiamurthi from the leadership of the Tamil Congress. Indeed, Satiamurthi is not now standing for any seat for the local Legislature and he has been forced to remain at the Centre.

This, of course, has been a very great disappointment to him, but he has lately become very unpopular in Madras owing to his violent and unconsidered speeches, while as an individual also he is not popular as no one trusts him and his reputation is bad.

Rajagopalachariar is a much more respectable type of man, but he is said to be of a visionary and unpractical turn of mind. He is a whole-hearted disciple of Gandhi and I think myself that this change in leadership is all to the good.

It may interest you to know that I had a long interview with him about ten days ago. He told me that he himself wished to accept Office and, when I said that I doubted if the Madras Congress would be allowed to take Office by the Central Congress Committee even if they

¹ See No. 10

got a majority, he, rather to my surprise, said he was quite certain that they would be allowed to accept the Ministry if sent for by the Governor. This statement of his may be of importance as a pointer to what the Congress are going to do over this question, for he and Gandhi are thick as thieves and he knows, as few others do, what is really passing in Gandhi's mind. I imagine that what Gandhi wants will actually happen as, if he really chooses to exert his influence, his will is still paramount in Congress circles. Rajagopalachariar told me quite definitely that Gandhi was very much in favour of the policy of Office acceptance.

He also went into a long, complicated and to me almost unintelligible explanation of what the Madras Congress meant by "wrecking the constitution". In result it boiled down to the fact that, if they got a real clear majority on which they could depend, the Congress Party would work the Reforms down here. Their idea of "wrecking" appears to be to pass at various times, when they get the chance, resolutions saying they do not like the Reforms.

On the other hand, I have also had an interview with Mr. Srinivasan, the Editor of the *Hindu*, who is very well acquainted with what is passing in Congress politics, and he was definitely of the opinion that the Congress Party would not be allowed to take Office. He is an able man and a very fine journalist and his views must be treated as having a good deal of importance. He produced one argument to me that in my opinion could only have sprung from the tortuous mind of a Madrassi Brahmin.

I had said that, whatever the Leaders of the Congress Party might wish to do over the Office acceptance question, I was quite certain that the ordinary ryot in South India wanted the Constitution to be worked, and if the Congress got a majority and then proceeded to cause deadlocks and generally play the fool, that they would at once lose their popularity with the electorate.

Srinivasan entirely agreed that the ryot wanted the Reforms to be worked, but said that he did not think that, if Congress refused to take Office, their action would do them much harm. He said that the ryots' choice was not between Congress working the Constitution and anarchy, but between a Congress type of Government and a better Government run by the Governor. Of the two he thought that the ordinary ryot would prefer the Governor's Government. But, however shrewd the ordinary ryot may be, and he is certainly no fool, I do not believe that his mind is as subtle as this, and I am myself convinced, as are my experienced advisers, that, if Congress deliberately causes trouble in this Presidency, they will be thrown out at the election that will have been caused by their misbehaviour. Otherwise the position is

much as before. The election campaign is proceeding and up to the present it is quite peaceful.

Nomination day is over and, as the unopposed returns may be of interest, I will set them out. They are as follows, including Europeans:

| | | |
|-------------|----------|---------------|
| Upper House | Congress | Anti-Congress |
| | 1 | 1 |
| Lower House | Congress | Anti-Congress |
| | 7 | 15 |

By the time that my next Report is written the full results will be known. In my opinion the Congress and its satellites will come very near to a clear majority, but, unless a complete landslide takes place, I do not see how it is possible for them to obtain an absolute majority over all the other parties and groups. The Tamil districts seem at the moment to be strongly for Congress, mainly because the Justice Party has been in Office for 15 years and the voters want to give the other side a chance. In the Telugu areas the power of the Zamindars is very strong and on that account Congress will not do so well there. The Ceded Districts appear to be strongly Justice. The Congress Party are complaining of lack of money and also of the vast sums that their opponents are spending. How far money will affect the elections is doubtful, but a rich candidate must obviously have a very great advantage.

Yours very sincerely,
ERSKINE

46

Haig to Linlithgow on Congress Propaganda in UP Elections

L/P.O./6/99(1)

CAMP,
February 4th, 1937

[Secret & Personal]

MY DEAR LORD LINLITHGOW,

In continuation of my letter of January 26th¹, I think it may interest Your Excellency to know that I have had the opportunity in the last few days of talking with a good number of our District Officers

¹ See No. 40

and Commissioners who have come in to Lucknow in force for the three days' leave we have given as usual for the Civil Service Week. On the whole, the views they express are very similar. The Congress propaganda, particularly in the last fortnight, has been extremely intensive and effective, and there is no doubt that it has produced a very considerable impression on the electorate. For the most part the propaganda seems to take the form of holding out attractive promises to the tenants as to what will be done for them if the Congress are returned, and direct attacks on the present Government are not so much emphasised. All those with whom I have talked agree that on the surface at any rate the people are still perfectly friendly to Government officers, and it would thus seem as if all this propaganda were being taken, as it ought to be, mainly as electioneering. At the same time of course one cannot ignore the possibility that seeds are being sown widely which may germinate later. For the present, however, it would seem that no dangerous conditions are being created.

With regard to the result of all this on election prospects, no one really knows. Those who a few weeks ago would have been prepared to offer fairly confident predictions are now doubtful what the results may be. It is indeed impossible to estimate how far the effect of the Congress campaign will be reflected in the election results. In many cases of course where the zamindar candidates are beaten, the verdict will be one of suicide, for they persist in fighting each other when the result is the certainty of handing over the seat to the Congress. This, however, is merely a symptom of the fundamental weakness of the zamindars, namely, their inability to subordinate their own petty and personal interests to a larger policy. That weakness, I fear, will in any case show itself in other ways later on.

As to the result of the election it is really idle to speculate. We must simply wait and see. But there is no doubt that one of the possibilities one may have to contemplate is a situation of practical stalemate.

Your sincerely,
HARRY HAIG

47

Gowan to Linlithgow on Election Trends in CP

L/P.O./6/99(1)

CAMP,
February 4th, 1937

DEAR LORD LINLITHGOW,

I have now received the final reports of Deputy Commissioners before the elections commence. Most of the Deputy Commissioners seem to have studied the situation pretty carefully, and although they have had to change their forecasts in one or two cases according to the course of events, the total results differs little from the one previously reported. The figures are now:

| | |
|--------------|-------|
| Independents | 64 |
| Congress | 35 |
| Doubtful | 13 |
| | <hr/> |
| Total | 112 |
| | <hr/> |

I am, however, no more sanguine of the accuracy of this forecast than I was about my first one. A great deal will depend on the extent to which the various candidates are able to shepherd, convey, or otherwise assemble their followers to the polling booths. Again, though there has been no sign of any wave of feeling in favour of Congress, it is impossible to say what will be the repercussions in this Province of the Congress victories in Bihar and Orissa.

2. The only thing worth recording since my last letter is the frantic effort which Congress is making to prevent Rao's election in Bilaspur (Rural). His opponent is a man of no account, but Congress are endeavouring to defeat Rao by all the worst devices of electioneering—vilification, virulent personal abuse, rowdyism, and bribing by false promises. We have had to give Rao a Police Guard. This is not at all to the liking of his opponents, whose mentality is that of the Frenchman who said—"Cet animal est tres méchant. Quand on l'attaque, il se défend". Another district in which the election campaign has got out of hand is Akola, where Government has had to put its foot down, owing to the license in which certain speakers were indulging. The measures taken were reported in yesterday's fortnightly. Elsewhere there has been some rowdyism, but little preaching of sedition.

3. Quite a number of candidates who are fighting the elections are

Congressmen in name only, and will certainly not be ready to join in any extreme measures in the Assembly. I have not yet found any reason to think that Congress will refuse to form a Ministry if they are in a position to do so; but there again no one who knows the Central Provinces would venture to make a prediction with any confidence.

4. I will report again to Your Excellency about the end of the month, when all the results have been announced.

Yours sincerely,
HYDE GOWAN

48

Linlithgow to Zetland on Wearing of Uniform by Political Volunteers (Extract)

Zetland Papers

4 February 1937

In paragraph 3 of your letter of 20th December you raised the question of the wearing of uniform by political volunteers and I have now gone into this in some detail with the Home Department. I gather that at the present moment the adoption of military formation and drilling, and the use of uniform by political volunteers corps are not very prominent in this country, although, as indeed the instance you quote yourself shows, the use of uniforms by volunteers not ostensibly working for an unlawful association is not entirely prevented. On the other hand, there is a distinct tendency which is mainly confined to rather undesirable associations, to imitate military methods and uniform, and the Congress, using the direction of the Congress Volunteer Board are somewhat given to dressing their volunteers in some kind of distinctive uniform which they think give them some status in taking on themselves duties which properly appertain to the Police. I feel no doubt myself that these volunteer organizations represent a dangerous tendency and need watching. There is, however, no legislation at present in force in India under which direct action can be taken against the use of uniforms and drilling; and the action which has been taken in past has been taken against those associations only which, owing to general nature of their activities, could be declared unlawful under the Criminal Law Amendment Act. It would of course be possible in any emergency in which these volunteer organizations showed themselves likely to be dangerous

to take similar action, though at present experience make quite clear, the use of these methods can in fact go a considerable way before sufficient cause exists to step in and declare an association unlawful. Incidentally, it is of interest to speculate upon the possible repercussions of a statute that would bring within the mischief of the law the wearing of the Gandhi cap.¹

I think on an examination of the provisions of the Public Order Bill that there is a great deal of it which would be applicable to present circumstances in India and which might be usefully enacted in India. It would be useless, in my view, to attempt to get any legislation on the lines of the English Act through the present Central Legislature, and in any case such Legislation would be inopportune at the moment when Provincial Autonomy is being introduced. But clauses 1 and 2 of the Act would certainly be useful to us in an event of revival of civil disobedience or any cognate movements. I doubt if clause 3 is necessary since the Police Act gives us sufficient powers for regulating prosecutions, and I think that provisions on these lines of those clauses of the Act might suitably be included in an Ordinance to be promulgated on the occurrence of an emergency. I am taking this up at once. I wholly agree with you that we are faced with an objectable practice which unless checked, will I am sure tend to grow and get out of hand. . . .

¹ Home-spun cap worn by followers of Gandhi.

49

Linlithgow to Zetland on Election Results and Possible Impact on Land System (Extract)

Zetland Papers

4 February 1937

By the time you receive this you will know about the results of our Elections than is at this moment available to me. But already it is abundantly clear that the Congress organization has pulled its weight, and that in Orissa and Bihar they have swept the board; I shall be surprised myself if any very different result emerges from the United Provinces Election and I feel confident that they will do extremely well in the Central Provinces. I am already in touch with Hubback in Orissa as to the formation of his Government. He tells me that as the result of

the Election became known, two of the Indians on his Council, both of them landlords, suggested to him that he himself, as Governor, should attempt to form a Ministry out of the non-Congress minority in the new Assembly! Hubback, I am glad to say, told them at once that any course of that kind was out of the question and contrary to his Instrument of Instructions.¹ He is in touch with one or two representative members of the Congress majority, and I shall be extremely interested to see whether he will be able, in the near future, to get together a Government, or whether on the other hand, all India Congress Headquarters will step in and dissuade their Orissa colleagues from accepting office. In any event I think it possible that the Congress leaders may instruct their followers in Orissa to commit themselves to agree to take office until the result of the Election in other Provinces becomes known.

You will I think agree with me that, having regard to the political situation as a whole, it will be very important as far as possible to give these Congress majorities, and the Ministries they will support, plenty of rope. Hubback tells me that Congress themselves are astounded at the extent of their success. I do not doubt too, that by this time the more intelligent amongst them are beginning to regret the wilderness and multiplicity of the promises to which they are committed! The difficulty will, of course, be to find the money for any progressive legislation. In this connection there is a point to which I hope you will apply your mind, for I should much like your views upon it; many of the undertakings given by Congress are directed against the landlord, and comprise, for example, a wholesale reduction of rent and the general cancellation of all arrears of rent. I have little doubt that these undertakings to skin the well-to-do for the benefit of the cultivator have played a great part in persuading the electorate to vote for Congress.

Now my feeling is that it would be very much healthier and, in the long run, very much wiser in the public interest, to use means, in those Provinces where Congress are in the position I have described, to turn their minds towards the possibility of an agricultural income-tax as an alternative to the satutory cancellation of contract or the repudiation of the debt and other monetary obligations legally entered into. I think, moreover, the landlords can carry, without disaster, some considerable increase in direct taxation (if indeed under the existing condition he is paying any direct taxation at all), and I feel that nothing will be better calculated to pull together parties of the Right, and those whose interest it is to protect the rights of property, than that as a result of this Election

¹ The Instrument of Instructions to the Governors, in the Government of India Act, 1935, indicated the manner in which they should exercise their powers of discretion and individual judgement.

they should find themselves mulct in a percentage of their annual income. I do not doubt that these considerations are already fully before the minds of men of the calibre and experience of Sir John Anderson. I doubt, however, whether considerations of the kind I have outlined would draw the attention of Hubback and Hallet to the possibilities of discreetly interesting Congress ministries to the possibilities of the imposition of a moderate direct tax on agricultural income by way, as I say, of turning them from the path of less reputable measure of spoliation, such as must go far to destroy within a Province, the basis of credit.

So much for the political side of the Elections. I would only add that, despite the apprehensions which were expressed in so many quarters, both here and at home, as to the probable capacity of the provincial machine to deal with these very large electorates, there has been no hitch whatever that I have so far heard of. There has been some very heavy polling (in certain rural constituency in Orissa upto 75 per cent of the electorate polled), and a considerable number of women polled. There has been no administrative breakdown or any suggestion of an administrative breakdown, and I think you will agree that this is very satisfactory.

50

*Maharaja of Patiala to Acting Chancellor of the Chamber of Princes:
Submission of Constitutional Committee Report*

L/P&S/13/664,

PATIALA HOUSE, NEW DELHI
6th February, 1937

YOUR HIGHNESS

I have much pleasure in enclosing herewith the first part of the Report of the Constitutional Committee appointed under my Chairmanship. As you will observe, the Report covers the general form of the Instrument of Accession, the subject of Administration, Treaty Rights and the Federal Legislative List. I am glad to be able to say that the recommendations embodied in the Report are unanimous.

2. The Committee have had the benefit of examining the material supplied by preceding Committees such as the Informal Committee of Ministers and by various regional Committees in addition to the

recommendations made by the Bombay Conference of Princes and Ministers to which the Constitutional Committee owes its origin. After careful consideration of the results of their labours, the Constitutional Committee have arrived at conclusions substantially the same as the recommendations of the Informal Committee and have been guided in their examination of the material by the conviction that at this penultimate stage a careful sifting of the requirements of the States should be made so as to confine the demand for additions, amendments or limitations in the Instrument to essential requirements. The agreed conclusions determining such requirements are contained in the Report itself.

3. I may be permitted here to comment on a few of these. It was agreed that the "purpose" clause, which was not included in any of the previous drafts, should be omitted altogether as the Committee are apprehensive that the inclusion in a legal document of a clause containing a political ideal may at least set in a tendency from which inspiration may be drawn in cases of doubt or difficulty in construing the Instrument itself. The proposed paragraph 2 of clause 4 of the States' draft of the 9th July, 1936, has again been pressed for inclusion while clause 13 of that draft has been so amended as, on the one hand, to retain the term "reserved" which was included in all the previous Government drafts and to which the Committee attach much importance, and, on the other, to meet the point urged that the clause as originally drafted might have possible reactions on the powers of the Crown. As Your Highness will observe, the question of legal protection of treaty rights and obligations in the Federal sphere has engaged the particular attention of the Committee who are unanimous in the view that the request for such protection should be pressed. Under Items in the Federal Legislative List, the States have generally been advised as to the kind of reservations they should make and it was further felt that matters like land acquisition and certain aspects of discrimination affecting not one but different Items in the Federal Legislative List should be covered by general limitations attached to the first Schedule of the Instrument.

4. In determining essential requirements of the States, the Committee have been mindful of the fact that the Government of India Act has already been passed and that these requirements should as far as possible be implemented not by amendments at this stage to the Act itself but by inclusion in the Instrument. I believe that if sympathetic consideration is given to the requirements of the States as now urged the reasonable apprehension which the States feel at this juncture will, so far as the general form of the Instrument is concerned, have been effectively removed. Nor am I uncertain that the States' difficulties are unappreciated as the fact needs no emphasis that by acceding to the Federation of

all-India the States will be throwing into the scales a considerable portion of their sovereignty and are, therefore, entitled to seek certain safeguards for the protection of their interests.

5. To quote from the Hyderabad Memorandum, "The difficulty is fundamental. Where the urge to unity is dominant the interests of the units not unnaturally give way before the dominant motive. With the Indian States the urge to unity is not dominant. The States cannot, in the interests of unity, submerge their separate identities, and this means that many conceptions familiar in other Federations cannot so readily be accepted by them. The Instrument of Accession is essentially a legal document. If it were a treaty not subject to the jurisdiction of the Courts, the States might often be willing to rely upon the good will of the British Government, without enquiring too closely into the meaning of the words of the Instrument and Act or the possible laws which might be passed under them, for they would know that the British Government would carry out the treaty according to its spirit and according to the common understanding between the British Government and the States at the time that it was made. The actual position is, however, very different. The States, in accepting an item, will be accepting not only the existing laws on the subject, but any law which can conceivably be passed hereafter within the limits of the Item as determined by the Federal Court; and, in determining these limits, the Court will, as the States are advised, pay no attention to, and indeed decline to admit evidence of, the common understanding of the States and the Government of India at the time when the Act and the Instrument were drafted. The States are, therefore, bound to examine each item with meticulous care, to see that the words used are capable of no wider construction than was intended and to secure themselves from risks by actual reservations, even where there is no present difference of intention between the Government of India and the States." As pointed out by the Informal Committee of Ministers, the Instrument will be a document unique in the experience of Indian Courts of Law, differing in nature from the Statute itself, and it is conceivable that some means, not inconsistent with the canons of interpretation, could be found of putting on record and of making available for the assistance of the Courts the intentions of the parties and the agreed understandings between them. In view of the basic character of the Instrument of Accession, much of the inherent difficulty with which the States are confronted at the present stage might be resolved if a solution on these lines could be found.

6 To quote again, "Another element of complexity is historical. The original sovereignty of the States has become trammelled in the course of time. Rights have been obtained from them and restrictions have been imposed in former times which would probably not have been asked or

imposed at the present day. In some measure those rights or restrictions were due to the same desire for unity which inspires Federation. In some measure they might be regarded as taken or imposed by the British Crown during a period of tutelage. Some, may be, were accidental. Some are now regarded by the States as unfair. Some were in the interests of India. Others were in the interests, real or supposed, of the States themselves. Whatever be the history, the position has now to be sorted out. What is done now is done, ostensibly, for all time, and it would not be fair if anything entrusted to the Crown during a period of tutelage were retained now at the very time when a Federation is conceived in the belief that India and Indians should govern themselves. What is given to British India cannot be denied to the States". The Committee recall that in the earlier discussions on the subject of Indian Constitutional Reform the subject of Paramountcy was dissociated from the subject of Federation as such. There were good reasons for this at the time; in particular, it was considered advisable to avoid creating the impression, however, wrong, which at the time was capable of being misconstrued, that the States were attempting to strike a bargain with His Majesty's Government for a relaxation of Paramountcy as a price for the acceptance of the Federal scheme. In opening the subject at the present moment, the Committee have no intention of suggesting such a bargain; they have in mind something quite different. The States have to consider comprehensively what the position will be under Federation and such consideration not only involves an appreciation of the States' position in relation to Federal subjects but also of their position in relation to non-Federal subjects. It involves further an appreciation of the extent to which the States' constitutional rights are fully protected. At a certain point, Paramountcy intervenes to compel a State to fulfil its Federal obligations and the States would naturally desire to know at what point Paramountcy can so intervene. Further, consideration of the sanctions for breach of constitutional obligations is clearly, in the Committee's view, a proper part of the discussions on Federation and of those sanctions Paramountcy is the instrument. The Committee are unable to understand how the picture of a State's position under Federation can be complete without including Paramountcy in that picture. The effect of Federation on Paramountcy has never been fully explored and such exploration is held to be most necessary at this stage.

7. Before I conclude, I feel it my duty to emphasise the general belief prevailing in the Constitutional Committee regarding the desirability of collaboration among the States and of collective discussions in regard to the Federal scheme. The Instrument of Accession will no doubt be negotiated separately with each State and has, indeed, been devised in

order to preserve the characteristics peculiar to each State and the reservations with which each State may desire to accede. It is no less true, however, that the very basis of Federation involves entry into a single constitution which will, in various degrees, have effect on all the acceding States. Since the assumption of direct administration of India by the Crown, no measure of such far-reaching consequence has ever been placed before the States for consideration and, apart from the nature of the measure itself which necessitates collective consultation, it is but natural to hope that the facilities given so far to the States of joint consideration of the problems of accession should continue, if only to allay the doubts and apprehensions that are apt otherwise to prevail. I myself feel that such deliberations serve to assist rather than retard the progress of the constitutional issue.

Yours sincerely,
BHUPINDRA SINGH
MAHARAJA DHIRAJ OF PATIALA.

To,

His Highness the Maharajrana of Dholpur,
Acting Chancellor of the Chamber of Princes

REPORT OF THE CONSTITUTIONAL COMMITTEE.

1. A copy of resolution No. 3 is given as Annexure I to show the composition of the Constitutional Committee and its terms of reference.
2. The Committee met from the 25th January to the 6th February, 1937, and the present report deals with the conclusions unanimously arrived at by the Committee in respect of the general form of the Instrument of Accession, Treaty and other rights within the Federal sphere, Administration and the Federal Legislative List. The names of members present during this session and of those who attended as observers are given in Annexure II. The Committee desire to make it clear that the present report forms only the first part of the full report and that it is proposed to meet again shortly in order to consider other matters affecting accession.
3. The Committee had before them both the essential and the negotiable safeguards suggested by the Chamber of Princes in 1933, and have examined them with a view to ascertaining how far they had been met by the Government of India Act 1935, and by the proposed draft Instrument of Accession. A list of the safeguards is contained in Annexure III. Upon careful consideration they have come to the conclusion that the safeguards have been substantially met and that, in so far as they have not been met or remain open to doubt, the

recommendations suggested below will effectively achieve the objects which the safeguards were designed to serve. Nor are the recommendations conceived only in the light of the safeguards thus formulated; they represent conclusions arrived at independently by an examination of the Act and of the Draft Instrument and by an appreciation of what they consider to be essential in the interests of the States.

4. The Committee have had the benefit of examining the material prepared by other Committees, such as the Informal Committee of Ministers, Committees constituted by various regional groups of States and the Bombay Conference of Princes and Ministers. In examining the various recommendations thus placed before them, they have been mindful of the fact that the Government of India Act has already been passed, and that, therefore, suggestions for the amendment of the Act itself should, wherever possible, be avoided. Similarly, in the course of their examination, they have confined their recommendations to what they consider should be the essential demands of the States. They are happy to be able to report that in formulating these recommendations the Committee are of the unanimous view that they should be pressed, both collectively and individually, by the States, for inclusion in the Instrument.

5. The Committee first considered the general form of the Instrument of Accession, and a copy of the draft as finally approved, which has for its basis the draft Instrument circulated to the States by the Government of India, is contained in Annexure IV.

6. The Committee are unanimously of the view that the clause dealing with "purpose" which is altogether new should be entirely omitted. They consider that objection to the use of such terms as "united" is secondary in comparison with the consideration that the statement of a political ideal in a legal document may cause a tendency to set in which may have undesirable consequences whenever a matter of doubt or difficulty arises in regard to the construction of a particular clause. The omission of the clause would in no sense detract from the constitutional value of the Instrument as governing the accession of the States, and the Committee are convinced that the omission of the clause should be strongly urged.

It is felt, however, that the mention of the parties to the Federation, as made in the clause, should remain, and the Committee recommend that in view of the proposed omission of the clause itself, the following words should be inserted in the third recital to the Instrument after the words "Federation of India":

"Consisting of the Rulers of Indian States, the Provinces called Governors' Provinces, and the Provinces called Chief Commissioners' Provinces".

The order in which the constituent units have been mentioned above is in accordance with unvaried past practice.

7. Clause 3 of the States' Draft Instrument of Accession of the 9th July, 1936, has not been included in the Government of India draft. The Committee desire to propose an amendment to that clause as follows:

"No function in respect of any matters specified in the first Schedule hereto or under any provision of the Act which applies to this State by virtue of this Instrument of Accession shall be exercised in relation to this State by any authority other than a Federal authority, and save in accordance with the terms of this Instrument".

The object of this clause is partly covered by Section 294 (2) of the Act which prevents the exercise of federal powers inside the State otherwise than by the Federation. The clause itself is intended to prevent the exercise in relation to the State of federal powers outside the State otherwise than by the Federation. It also covers the Railway Tribunal which has been omitted, perhaps by inadvertance, from Section 294(2). Moreover, there is an advantage in making it clear in the Instrument itself that federal powers and paramountcy powers cannot co-exist in respect of the same area. The argument that, if it is a gloss on the Act, it usurps the functions of the Federal Court, does not appeal to the States as the clause represents what the States understand to be the intention of Section 294 (2). If there is room for doubt as to the meaning of Section 294 (2), the States are entitled to have the position clarified. If there is no room for doubt, there appears to be no valid objection to clause 3. The rigid insistence on the letter of the rule that the Instrument should not contain provisions which may repeat or explain the provisions of the Act itself may lead to difficulties which can be avoided without in any way going counter to the scheme of the Act itself. There may be a point in saying that it is desirable that the Instrument should contain provisions which are not in any sense inconsistent with the Act, but so far as merely making explicit what is admittedly the intention of the Act is concerned, the Committee find it difficult to see what real objection there could be to this course. It may be added that the clause in question was recommended unanimously by the Informal Committee of Ministers both in September and in December last.

8. The Committee further support the view that the following clause should be inserted after the proposed clause 3 discussed in the preceding paragraph:

"Nothing in this Instrument shall affect the rights and obligations of the Ruler of this State in relation to the Crown with respect to any matter not within the functions exercisable by, or on behalf of, the

Federation by virtue of this Instrument, and no Federal authority shall have jurisdiction with respect to such rights and obligations”.

The effect of the two clauses read together would be that no one but the Federal authorities (or the Ruler) is to perform Federal functions, and that Federal authorities are not to interfere in the relations between the Crown and the Ruler. Section 285 does not seem to cover the subject fully, for it does not mention the rights of the Rulers, and the reference in it to the obligation of the Crown does not necessarily cover all such rights. Section 2 refers only to powers connected with the exercise of the functions of the Crown. Neither of these Sections fully covers the principle that the relations of the Ruler and the Crown are continued separate and distinct from their relations with the Federation and without interference by Federal authorities. It may be mentioned that this clause was urged by the Informal Committee of Ministers in September last, and at their recent meeting in December the Committee maintained their request for its inclusion.

9. Clause 4, paragraph 2, of the States' draft Instrument of 9th July, 1936, has not been accepted. Its object was to guard against a possible implication that the legislative powers conferred on the Federation by particular sections of the Act are tacitly accepted by the States. If clause 4(2) were adopted, the Ruler, by his Instrument, would be sure that he would be accepting only such items of the Federal Legislative List and such legislative powers in the body of the Act as are specified in his Instrument. It might be urged that the Federal Legislature will not have power to make laws for the State except in regard to matters which have been expressly accepted in the Instrument and that the only matter which a State will be required to accept in the Instrument will be the items in the Federal Legislative List. Thus, for example, Section 215 of the Act corresponds to item 53 of the Federal Legislative List and if that item is not accepted the legislative power under Section 215 will not be exercisable for the State. The proposal to implement Section 138(3) by the addition of a new item to the Federal Legislative List corresponding to it is satisfactory, but is based on an interpretation of the Act and the Instrument that the Federal Legislature will have no power to make laws for the State on any matter, unless that matter has been specifically accepted in the Instrument. The Committee consider that if the second paragraph of the proposed clause 4 were included, this would clearly be the position; if not, the Court may take a different view. The consequence appears so grave as not to warrant leaving the matter to the hazard of interpretation by the Federal Court. Section 101 is not a sufficient protection by reason of the fact that it only refers one back to the Instrument and if there is any room for doubt in the Instrument the

defect is not cured by the Act. The possibility of doubt in the Instrument arises from the fact that by clause 1 of the Instrument the State authorises the Federal Legislature to exercise, subject to the terms of the Instrument, such functions as may be vested in them by the Act. *Prima facie*, the words "such functions as may be vested in them by the Act" would include all legislative powers which under any section of the Act, read in conjunction with section 99(1), purport to be made applicable to a State. Section 99(1) must itself be read in conjunction with all legislative powers conferred by the Act, and it is immaterial whether a section conferring legislative power does or does not expressly mention the States, since in any case the States are brought in by Section 99(1), unless there is some other provision of the Act to exclude them. The only other provision of the Act which might be relevant in this connection is Section 101 which, as stated above, does not appear to be a sufficient protection. The clause has been pressed by the Informal Committee of Ministers in their meetings in September and December last, and the present Committee desire to identify themselves with that view.

10. Clause 13 of the States' draft Instrument of 9th July 1936, has not been accepted, and an apprehension has been expressed that it might, as it stands, have possible reactions on the powers of the Crown. It was not the intention of the Clause that it should have such effect, and in order to meet the objection the following amendment is suggested which may take the place of Clause 6 of the draft Instrument as circulated to the States:

"Nothing in this Instrument affects the continuance of my sovereignty in and over this State or, save as provided by this Instrument or by any law of the Federal Legislature made in accordance therewith, the continuance of any of my powers, authority and rights, and the exercise of any of such powers, authority and rights in and over this State is, save as above, reserved to me".

The Committee desire to add that the inclusion of the term "reserved" as suggested both in the present clause and in the one proposed in the draft of the 9th July, is important. The term was included in the Government drafts of February and March 1935.

11. Clause 11 of the States' draft of 9th July 1936, had for its object, the protection of treaty and other rights within the Federal sphere which could be affected by Federal Legislation outside the State. The clause provided for an additional Schedule which would enumerate such rights. The objection has been raised—(a) that the Instrument cannot deal with matters outside the State, and (b) that in any case the right of the Federal Legislature to legislate in British India or outside the State cannot be

fettered by the Instrument of Accession of a State. Further, Section 12(1)(g) of the Government of India Act has been referred to as affording protection for such rights in the Governor General's discretion. Article XV of the Instrument of Instructions to the Governor-General, however, makes it clear that protection under Section 12(1)(g) is intended to cover rights in the non-Federal sphere. The Committee are not wedded to the form in which the protection is afforded but share the view expressed by the Informal Committee of Ministers in their letter to Sir Bertrand Glancy No. 68 CC dated 21st January, 1937, that the protection should be legal. While leaving it to the Government of India to suggest the form in which such legal protection may be given, it is felt that the object may be gained by recourse to agreements, such as those contemplated under Section 204(1)(a)(iii), between the Federation and the State which may specifically be made subject to the jurisdiction of the Federal Court.

12. On the question of Administration, the Committee desire to explain that Federal executive authority in relation to items to which a State accedes is dealt with in five different ways in the Act and the proposed Instrument. The basic assumption as made clear in Clause 3(2) of the Government Draft Instrument is that where there is a limitation on legislative authority there will be limitation on the executive authority.

- (a) An absolute limitation upon executive authority under Section 6(2).
- (b) An administrative agreement under Section 125.
- (c) An entrusting of duties under Section 124(1) conditionally or otherwise with the consent of the Ruler.
- (d) A conferment or imposition of duties under Section 124(3) for which under Section 124(4) a financial compensation shall be payable.
- (e) Where the Federal executive authority obtains, but is not exercised, concurrent executive authority will be exercisable by the States (Section 8(2)).

The admissibility of a limitation upon federal executive authority under Section 6(2) of the Act may possibly be questioned and it might be urged that in any case such a limitation was unlikely to be acceptable since it would exclude the possibility of the Governor-General in his discretion satisfying himself by inspection or otherwise that administration was being carried out in accordance with the Federal policy. The Committee takes the view that on the wording of the Act and particularly of Section 8(1)(ii) the admissibility of an executive limitation under Section 6(2) is clear. Moreover, one of the main reasons

why the States objected to the original form of clause 6 in the Bill as presented to Parliament was that it did not permit of executive limitations differing from the legislative limitations and it was to meet this point that Section 6(2) was amended to its present form. The Committee, therefore, considered that any rejection on principle of executive limitations should be questioned by the States. At the same time, the Committee would agree that a provision in the Administrative Agreement is generally a more suitable method of executive limitations than Section 6(2). It is thought that each case in which such limitations are proposed ought to be examined on its merits. The method of providing for executive reservations by an Administrative Agreement under Section 125, is, however, recommended only where such reservation is intended or possible and each State will have to consider the choice for itself, bearing in mind both the requirements of Federal standards and of financing the administration wherever so reserved. Similarly, each State will have to determine what items to cover by administrative agreements.

Where there is no such reservation either under Section 6(2) or under Section 125, Federal Executive authority will be exercised by the Federation either under Section 124(1) or under Section 124(3) and if under the two above Sections neither the Governor General entrusts to the Ruler nor the Federal Legislature by an Act confers or imposes duties, the concurrent authority of the State, as already explained, will continue to be exercised under Section 6(2), unless the Federation prefers to implant its own Federal authority within the State.

13. The Committee have examined the items in the Federal Legislative List with a view to suggesting (a) reservations applicable to the generality of States and (b) reservations which the Committee considered it to be necessary for protecting special interests. They have also formulated general limitations applicable to several items and concerning such matters as land acquisition, discrimination so far as taxation is concerned and the liability of Federal Agents and Officers to the jurisdiction of the laws of the States. These are included in Annexure V of the present Report. In suggesting these limitations the Committee desire to make it clear that each State will have to determine the limitations under which it proposes to accept each item as it will no doubt have to consider its own individual requirements. Nor can the committee take any responsibility for the form of the limitations suggested and it would be for each State to take competent legal advice so as to see what particular form is best suited for its ends.

14. The Committee endorse the view expressed in the Hyderabad Memorandum, paragraph 36, which favours the strengthening of clause XV of the Governor General's Instrument of Instructions so as to permit

the Governor General's intervention in less serious cases of discrimination than those which may necessarily imperil the economic life of a State.

. 15. The Committee recognise that the present occasion may not be convenient for a discussion of the question of Paramountcy, but they would recommend that the question may, in its relation to Federation be taken up in the not too distant future. The advantage of further clarifying the practice governing the exercise of Paramountcy was recognised by the Secretary of State in his Despatch of the 14th March, 1935. It is difficult to believe that the exercise of Paramountcy will not be affected by Federation, and questions of no little moment may have to be considered.

Moreover, there is undoubtedly some nervousness amongst Rulers lest they may find themselves faced, even within the Federal field, by the double power of the Federation itself and Paramountcy. The States' understanding is that, broadly speaking, where the Federation can exercise authority, the claim of the Paramount Power to intervene disappears. The Committee recognise that Paramountcy is the ultimate sanction for enforcing Federal obligations, but they assume that a State will be entitled, before Paramountcy intervenes, to have those obligations determined in the Federal Court.

Perhaps the States' general thesis could best be expressed by saying that they rely on the Viceroy as the representative of His Majesty in his special and personal relationship with the States being the friend of the States and not in any sense an agent of the Federation. This special relationship with His Majesty is very precious to the States and they are concerned to ensure that at some future date the relationship is not weakened by the fact that the Viceroy is also Governor-General. It can hardly be denied that the duality of personality existing in the person who is both Governor-General and Representative of His Majesty in his relations with the Indian States has in it some elements of danger. Federal responsibilities will necessarily engross the greater part of his time and the distinction between his two personalities could without difficulty become blurred. If it did happen to become blurred the Federal personality would almost certainly become dominant.

Perhaps one step which could usefully be taken to avoid the dangers which the States foresee would be to recognise that this duality of personality should not be repeated in the Political officers in States nor in the recruitment of officers for the Political Service. A Resident in a State, for instance, should be the Agent of His Majesty's Representative but never the Agent of the Governor-General and such a separation of functions appears to be correct in theory and necessary in practice.

It obviously might prove of great inconvenience to confine the

Resident to the Paramountcy side if this would render necessary the existence of another officer as agent of the Governor-General. It appears, however, that there is no room for such an agent. There will be no agent of the Governor-General in a Province. Such instructions as the Federation is entitled to give to a Province will be given by the Governor-General to the Governor as head of the Province. Similarly, it would seem that such instructions as the Federal Government is entitled to give should be given by the Governor-General direct to the State concerned.

51

Nehru's Statement on UP Government's Circular¹ *The Hindustan Times, 6 February 1937*

I have just seen the circular², issued by the chief secretary to the United Provinces Government, directing district officers to take action under section 108 Cr. P.C. against the Congress workers engaged in Congress work, on the ground that they are preaching sedition. The U.P. Government has been conspicuous in India for its open activities against the Congress in connection with elections. Almost alone in India, among provincial governments, it has persisted in refusing to have coloured ballot boxes, a system which ensures secrecy of voting for illiterate voters.

The ministers must be held responsible for this unjust decision which can only be based on the conviction that with secret voting, the Congress is bound to sweep the polls. I have found, during my tour of the United Provinces districts, complaints of official interference and official canvassing for anti-Congress candidates based on reliable data. The officials in many places have practically become agents of the National Agricultural Party.

The open sympathy acts and workers of the party are, it is stated, being appointed as polling officers. This is bad enough, at any time but in view of the absence of secrecy this is an outrageous device. The new circular of the U.P. Government is the culmination point of this act and deliberate policy. It is an astonishing document and the most revealing part is its issue and publication at this juncture on the very eve of election when the election campaign is practically over and voting is going to take place soon.

¹ Statement to the Press at Lucknow on 5 February 1937.

² On 5 February 1937, the United Provinces Government issued fresh instructions under Section 108 of the Criminal Procedure Code against dissemination of seditious ideas during the election campaign.

The object of it at this stage can have little to do with the election campaign. It must be to affect the voting itself. A tremendous and unparalleled response from the public to the Congress message and patent failure of all the devices of its opponents have apparently unnerved the government completely. After visiting every district in U.P. and going deep into rural areas everywhere, I can say definitely and with no doubts of reservations that given fair voting conditions, hundred per cent success in U.P. is certain. Knowledge of this has upset the government and its hangers-on, and hence this circular at this stage. It is evident that the circular aims at widespread action. It says so and, on the very eve of election, can only mean that a determined attempt is being made to interfere with the normal course of elections. Already one sees that is being done.

Five of our principal workers in Dhampur, district Bijnor, have been arrested and other arrests are being threatened. In Cawnpore, there were lathi charges on our election meetings. This state of affairs indicates the extent to which the government has deteriorated. Again, the ministers must share the responsibility for this. The very measure of this deterioration and lapse from all decent standards of public life is the measure of the Congress strength and hold on the masses, which the government supporters fear so much. Whatever happens during the next few days I trust that Congressmen and the public generally will keep cool and proceed with our programme peacefully and determinedly and on the election day overwhelm our opponents by our organised voting strength, representing the Indian masses and their will to freedom.

People in Bihar have done splendidly. Lest us of the U.P. take up this friendly challenge of our sister province and do better, and so comrades in U.P., on with our work to the triumph of the Congress.

52

*Abdul Halim Ghuznavi to Zetland on Relevance of
His Pact to Bengal Situation*

L/P.O./6/70

8 February 1937

MY DEAR LORD MARQUESS,

I am grateful to you and much appreciate the contents of your letter of the 22nd January 1937.¹

The criticisms of the Hindu-Muslim agreement so far published in the Press are no correct measure of its reception by the two communities. There is a large volume of support behind it from both the major communities. Now that a Ministry is in the making, people are turning to this agreement for light and guidance. Of course I am also in the dark as to the Governor's intentions in this matter. But in view of the fact that the Bengal elections have been more or less a stalemate and in particular the defeat of the communal Sir Nazimuddin by Mr. Fazlul Huque by a thumping majority and the calm that is settling down after the storm of the election, I can see that every thinking citizen in Bengal, unconsciously if not consciously, is adopting my scheme in one form or another. It has also given considerable good for reflection amongst the leaders of both communities in other Provinces. So I hope and pray that my seedling has landed on fruitful soil and will soon develope into a healthgiving and sheltering tree.

I have already said that the elections in Bengal have been more or less of a stalemate. The Congress is the largest single group, well-knit, disciplined and consisting mostly of Hindus. The independent Hindus belonging to no party are only few. The Moslems are under two party labels—Muslim League and Praja. There is a fairly good number of Moslems who have adopted no party label yet and are abiding their time. The scramble has already commenced for getting them attached to the one group or the other. Congress is also trying to win over the Praja Party under the lead of Mr. Fazlul Huque and some of the independent Moslems. Under the circumstances a coalition ministry of Hindus and Moslems alone can be stable; and Hindu-Muslim settlement proposed by me can remove the difficulties in the way. I am in Calcutta now trying to bring about a strong coalition, following the lead given by the

¹ Sec No. 31

Punjab Unionist Party. The defeat of Sir Nazimuddin (Muslim League) by Mr. Fazlul Huque (Praja) by a thumping majority is a notable feature of the Bengal Elections. The political sky is still dark. But I am trying to make that darkness visible by following in the wake of the suggestions made by you. I shall address you again when things take shape and a stable Government is made sure. Until these my labours will continue.

Yours sincerely,
ABDUL HALIM GHUZNAVI K.T., M.L.A.

53

Anderson to Linlithgow: Possibility of a Stable Block Among the Muslims

L/P.O./6/99(1),

GOVERNMENT HOUSE, CALCUTTA
February 8th, 1937

MY DEAR VICEROY,

My appreciation of the political situation for January must of necessity be confined to a statement of the actual results of the elections and to a rough impression of the main lines on which so far as I can see, matters are at present developing.

2. I append a statement¹ of parties in the new Assembly so far as is at present estimated. In general the rough estimates in my letter of 3rd December have not been greatly belied. The League and Praja parties are still claiming numbers in excess of those shown in the statement, but for practical purposes it may be taken that they each represent a group of about forty and the independent Muslims about another forty.

3. The Congress have done better than was expected in a few caste seats and stand at 43 against a rough maximum of 40 estimated. On the other hand they can claim 7 only of the 30 scheduled caste seats against 20 that they at one time hoped for. Of the 8 Labour and Trade Union seats four are definitely with Congress and four, of whom one is doubtful, are classified as Independents of one kind or another.

4. The main lessons that emerge are the great strength of the Congress appeal in the General constituencies and the efficiency of their organization; these factors have brought them out successful against local candidates of independence and reputation who might have been expected to hold their seats on their own merits: among those who have thus been ousted must be counted N.K. Basu, the most prominent man

¹ Not printed.

of the "opposition" in the present Council. On the other hand Sir B.P. Singh Roy won easily in a landholders constituency against an opponent set up from behind by Congress, and the son of the Maharajadhiraja of Burdwan with the great influence of the estate behind him defeated the Congress in a General constituency.

5. Among the Muslims the defeat of Sir Nazimuddin by Fazlul Haq is a most striking result, and emphasises the powerful appeal to the masses of Fazlul Haq's emotionalism and his socialistic policy as regards agrarian affairs. It is said, perhaps with truth, that he received substantial aid both from Congress and from Farouqui—and as thus enabled to excel Sir Nazimuddin in organisation—but whatever the reasons the result is a blow to the confidence of the Muslim League. Naturally also relations between Farouqui and his League "colleagues" are not improved and both he and they have indulged in mutual recrimination. In contrast to Sir Nazimuddin, Farouqui, who must have managed his constituency with his usual adroitness, scored a decisive success in his chosen area against strong agrarian opposition, while other members of the Dacca Nawab family, standing nearer home and with able organization behind them, were uniformly successful.

6. The "fifty-fifty" group of B.C. Chatterji have been heavily defeated. Paragraphs 19 and 20 of my letter of 3rd December and paragraph 11 of my letter of last month may be referred to as regards this group; it may be recalled that Sir A.H. Ghuznavi was also in these negotiations. They have turned out rather a damp squib.

7. On the present figures the Congress commands the largest admitted block, but quite apart from the uncertainty of their own attitude regarding acceptance of office, the risk of Congress claiming the hegemony on the score of numbers is likely to act as a stimulus to fresh efforts for Muslim "unity". Whether the Congress or any of them decide to try for office or whether they decide to follow a policy of remaining in opposition so as both to use the Government for their own purposes when convenient and at the same time bring it into discredit, the key man from their point of view is Fazlul Haq; without him they might get a half dozen of the "left" Muslims, but with him would hope to gain most of his own party and many of the "independents". Opinion in the Congress is divided, roughly as between B.C. Roy's group and Sarat Bose's group on the question of office acceptance, but in either event Fazlul Haq's loyalty either to person or principle is completely unreliable.

8. At present, I am reliably informed, he is expressing himself as anxious to attain Muslim "unity" as are also Farouqui and Sir Nazimuddin: the last is, I believe, willing to serve under Fazlul Haq to achieve such unity but hesitates to lay himself open to the charge of a political deal. Matters in this respect will be cleared up shortly as Sir Nazimuddin

is standing at once for bye-election in Calcutta. Farouqui, I believe, is watching the game and will play his own hand.

9. The possibility of a stable combination among the Muslims is clearly the main key to the position; the three principals, as I have said, have all expressed themselves anxious to avoid making a stable combination impossible by insistence on leadership, and it has been suggested among themselves that they might get in someone from outside—for example Sir Abdur Rahim—to solve the difficulty. The hope has been expressed—and not only in Muslim quarters—but not directly to me, that I might solve the difficulty by interesting myself in bringing about a settlement between these three. I do not propose to do anything of the kind since to do so would involve the formation of a block that would be open to attack as an artificial creation for which I was responsible, and probably the formation of a Government with the political fortunes of which I should be regarded as identified.

10. If however, some adequate and reasonably stable block should form itself among the Muslims it is not unlikely that a loose group of about 30 caste and scheduled caste Hindus might be got together under the influence of Sir B.P. Singh Roy provide that a share of representation—definitely less than “fifty-fifty” but in excess of their numerical proportion—were agreed upon between them and the Muslims.

11. It would be premature at the moment to discuss personalities, but it is of interest to mention that Nalini Ranjan Sarkar of the Bengal National Chamber of Commerce, who has edged well out of the Congress fold, is said to be anxious for office, and is regarded by more than one potential leader as a danger in opposition. It is also of interest that the defeat of the present President of the Legislative Council (Sir M.N. Ray Chowdhury of Santosh) who was beaten by two votes in a landholders’ constituency, was facilitated not only by Congress but also by Muslim interests who were not inclined to encourage the idea that the office of speaker was earmarked for the present President.

12. The next three weeks, culminating in indirect elections to the Upper House by Proportional Representation will probably produce decisive developments, and the decision of the All-India Congress Committee on office acceptance may or may not seriously affect the situation. Meantime I am looking on and do not propose to interview aspirants for office, other, of course than members of my present Cabinet, until I am in a position to decide on the order in which to invite them into consultation.

Yours sincerely,
JOHN ANDERSON.

54

Zetland to Linlithgow on the Danger of Mass Contact Movement (Extract)

L/P.O./6/99 (1),

8 February 1937

6. I have read with great interest and not altogether without concern, the full reports which have now reached me of the meeting of the Indian National Congress at Faizpur, in December. From the Congress point of view it seems to have been a considerable success. It attracted very large numbers of people, estimated in all at 150,000; and it came into direct touch to a great extent, I should imagine, than ever before, with the actual peasant population. Superficially at any rate the right and the left seem to have been successful in meeting on a more or less common platform the solvent of their difficulties in this respect being a common determination to get rid of the British. Both wings appear to be determined to make such contacts with the masses as will make a serious upheaval possible; and it is disquieting to find that the right wing members of the Congress are prepared to shut their eyes to the risks that they are running of raising a monster which may well prove to be beyond their control. It is still more disquieting to find that their willingness to run these risks is due to a hatred of British rule which as Mr. N. P. Smith, the Bombay Central Intelligence Officer puts it, "is so intense as to blunt their fears of the deluge which might succeed to its removal." I gather that all the officers of the Central and Provincial Governments who were present take a serious view both of the intentions and of the capacity of the Congress as now constituted, and I note in particular Mr. Smith's warning that "there is coming a time when Government will have to decide, and without undue hesitation, on measures to nip the Congress plan in the bud"; and if his view is correct that the proceedings at Faizpur constitute a threat of serious mass action at some date not very remote, to be engineered by a body of men irreconcilably hostile to Government, it is difficult to dissent from his conclusion. His suggestion appears to be to await the result of the elections throughout India, and then to consider seriously the desirability of removing from contact with the masses the three men without whose guidance he seems to think the danger of a mass movement would not be very great, namely, Gandhi, Jawaharlal Nehru and M. N. Roy. With these men out of the way his view would seem to be that the new Constitution may be given a fair trial; and conversely, I suppose, that with them at large there is no great hope of this. In this connection I

notice that Mr. A.C. Bailey, the Bombay D.I.G. in the C.I.D., is convinced that the threat of Congress to attempt to wreck the Constitution from within is not bluff, and that if they accept office it will be with this definite intention.

We shall, of course, know better where we stand when we know the complete results of the elections; but it is already clear that the Congress have had considerable success in Bihar and in Orissa and that they have done better than was expected in Bengal. It may be, of course, that when they find themselves actually in a position to form governments, the attraction of doing so will be sufficiently great to cause them to break away from the control of the party machine. As to that I suppose that we shall have to wait and see; and I imagine that your view will be that unless Nehru and Co. give reasonable ground for proceedings against them it will be wiser to allow them to go free. If on the other hand the Congress machine is successful in compelling Congress Ministries to act in accordance with its avowed policy, we shall have to consider seriously what action we ought to take. I shall be interested to have your appreciation of the situation and to know your view as to the significance of Faizpur.

55

James Sifton to Linlithgow on Appraisal of Election Situation in Bihar

L/P.O./6/99 (1),

GOVERNMENT HOUSE, PATNA

9th February, 1937

DEAR LORD LINLITHGOW,

The elections are now complete and have resulted in a comfortable majority for Congress in the Lower House over all other groups taken together. This is due to an almost clean sweep of the General (Hindu) constituencies, which has been as much a surprise to Congress as to their opponents.

The result is attributed to the wide organisation of the victorious party and to the lack of any real organisation against them, to the attraction of Gandhi's name, to the wild promises of Congress enthusiasts of reduction of rent, canal taxes and chowkidari tax (which they will find it embarrassing to implement) and to the fact that probably ninety per cent of the voters had no understanding of what this first election of theirs

meant. In fact some of them regarded the ballot box as a letter box for Gandhi and smuggled in petitions addressed to him with their voting papers.

In the Upper Chamber the voting went the other way, and in the direct elections not a single Congressman has met with success. Congress will presumably secure for their nominees eight out of the twelve seats to be filled by indirect election from the Lower House which will give them just over a quarter of the whole body. Nominations for these seats are due in a week's time and the voting will be on the 4th of March.

There was a good deal of rowdyism at the polls, but no very serious rioting. So far as reports have come in, there has been no outburst of seditious speeches, and very little attack upon Government, but a great deal of abuse showered on non-Congress candidates as traitors to their country.

In spite of a concentrated attack on the two Ministers, both were successful. The President of the Council, however, was defeated. Mr. Sachchidanand Sinha, Vice-Chancellor of the University, was elected by a large majority in spite of a strong Congress move against him. But the landlords as a body have paid the penalty for the disunion and disloyalty among themselves.

There is a general impression that Congress will accept office, indeed having promised so much to the elector, it is difficult to see how they can refuse. But they will apparently not make any declaration on the subject until the All-India Parliamentary Board has had its session early in March.

The leading Congressmen have gone off to the U.P. and C.P. to help in the elections there and have not held any meeting yet to make plans for exploiting their success in the future; in fact they have not even decided who is to be the leader of their party. There are three men whose names are generally mentioned for office—Dr. Mahmud, the only Muslim of any standing in Congress circles of Bihar, Babu Anugraha Narain Singh, the Secretary of the Bihar Congress party, a Rajput who was at one time Chairman of the Gaya District Board, and Babu Sri Kishan Singh who was the opposition leader in the local Council lost when the Swarajists stood as a body for election. The remaining posts will presumably be filled from the rank and file, who so far as is known at present have little to recommend them, as several of the more able leaders, such as Babu Rajendra Prasad and Babu Bipin Bihari Varma (M.L.A.) have not gone with their party to the poll.

Taking a broad view of the elections as a whole I should say that the result is evidence of the weakness of their opponents rather than of the strength of the Congress party, for the latter have proved successful in

parts of the province where their influence has hitherto been negligible—particularly the backward tracts of Chotanagpur and the Santhal Parganas. The one man who came out into the open as an irreconcilable opponent of the Congress policy was Sir Ganesh Datta Singh and he received only half-hearted support from the weak kneed zemindars who rely on buying off troubles in their own individual estates.

Yours sincerely,
JAMES SIFTON.

56

*Hubback to Linlithgow on Economic and Social Programme of the
Indian National Congress (Extract)*

Linlithgow Papers

GOVT. HOUSE, PURI
10 February 1937

2. In the first place, I have to report that the main result of my indirect enquiries from Bichitrnanda Das (brother of Bhubananda Das, M.L.A.) is that it would be embarrassing to him and in his opinion to any other Oriya Congress leader to be asked to see me at present. There are to be meetings of the Provincial Congress Committee and of the members elected on the Congress ticket on the 13th and 14th February. I have decided to make no further move until these are over, as it would I think be most unwise to appear to be attempting to influence the Party in its choice of leader. I believe that my reasons for not taking earlier action are unlikely to be misunderstood.

3. I saw the Raja Bahadur of Kanika at his request a few days ago. He was even more despondent than Khallikote and Lokhnath Misra. He drew my special attention to the Congress manifesto printed in Oriya at the end of December over the signature of the Secretary to the Utkal Congress Committee. This document reproduced the main features of the Congress All-India programme and added a number of items specially designed for Orissa. These include:

(1) the abolition of the Permanent Settlement, affecting Kanika, the Maharajadhiraj of Burdwan, Khallikote, Parlakimedi and a number of smaller landlords in Ganjam and Cuttack and the very important zamindari of Jeypore;

- (2) the remission of arrears of rent and land revenue;
- (3) the reduction of all rents and water rates by half;
- (4) the graduation of rent on the lines of income-tax, families with an income of less than Rs. 250 a year being excused altogether;
- (5) amendment of the Tenancy Acts in various respects to the detriment of the landlord;
- (6) forests to be thrown open to the neighbouring villages;
- (7) securing a living wage for labourers;
- (8) death duty on property over Rs. 20,000 and succession duty as well;
- (9) free primary education;
- (10) relaxation of the salt law;
- (11) religious endowments to be diverted to the upkeep of schools, dispensaries, &c.

Interesting. L.

4. The Raja Bahadur enlarged on the fact that the programme is mainly directed towards impoverishing the big landlords and breaking their influence. He said that if the Congress Party were allowed to go, the landlords would be

What does that mean exactly?

obliged to make terms with them and withdraw the support they had hitherto given to the British Empire.

The despondency always associated with the first effects of an unexpected licking.

He also feared that there would be a wholesale slide on the part of Government servants, including the police, to the Congress Party. I take it his idea was that the ultimate safeguards against a failure of the Constitutional machinery will not in fact be available. I made little comment to him on his views, but I regard them at present as quite

Encourage them to get their electoral party organisation machinery into order now for the next election.

unnecessarily pessimistic, as far as Government in Orissa is concerned. No doubt the landlords will suffer to some extent if a Congress Ministry is formed, especially as there is here no Upper House. But I do not at present think it likely that the Ministry will be able or indeed wish to fulfil more than a small part of their election promises at any early date.

5. No harm has been done politically by my seeing these three gentlemen *once*. It has certainly been useful to me to learn how they view the situation. I am inclined to give Parlakimedi an interview, if he asks

for one, but no one else of political importance until I have begun to form a Ministry. I am greatly obliged for Your Excellency's advice as to the manner in which interviews, arranged for the purpose of forming a Ministry, should be announced. I shall also bear in mind the advice Your Excellency has been

Did I overdo it?! If so, better steady.

good enough to give me on ignoring past records and on advising Ministers not to go too fast with their programme. The programme I have quoted above bears signs of inflation under influence of individuals, and has its parallel in the New Castle programme of 1891.

6. In paragraph 6 Your Excellency asks me about Ministers and junior posts. My present plan for budget purposes is three Ministers on Rs. 1,800 a month each. Very few professional men in Orissa earn Rs. 1,000 a month. While under section 51(5) of the Act the questions of the number and salaries of the Ministers are for the present within my discretion. I propose to ask the gentleman, who agrees to head a Ministry, what his views are. I have not as yet proposed the creation of posts of Parliamentary Secretary. Though I realise their value as a training ground for young men of ability, I would prefer to wait till we get the new machine running before creating them. It will of course be open to the Ministers to propose the posts and to create them, if the Assembly agrees to the financial provision. It would, I think, also be open to them to appoint Parliamentary Private Secretaries, technically "unpaid", *i.e.*, not drawing anything from the public funds, but actually paid by the Minister himself. Possibly that would be a way in which Congress Ministers could get round the policy of limiting salaries to Rs. 500.

Yours sincerely,
J.A. HUBBACK.

57

*Linlithgow to Erskine on the Desirability of Leaning More on
Central Intelligence Officers*

Erskine Papers

THE VICEROY'S HOUSE, NEW DELHI
10th February, 1937

[Personal & Confidential]

MY DEAR ERSKINE,

I have been thinking over the work of the Central Intelligence organisation in relation to the changes now imminent and the results so far available to me of the Provincial elections. The points which I have had particularly in mind are those referred to in the second subparagraph of paragraph 1 and in paragraph 4 and 5 of the memorandum of Instructions for Central Intelligence Officers at present in force.

2. I am disposed to think that a stage has now been reached at which we at the Centre may begin to find it less easy in practice to depend so fully as in the past on Provincial Criminal Investigation Departments. And it would seem to me at least probable that once the results of the elections are known, more particularly in province in which those results suggest that the Ministry may be a Congress Ministry, or may contain a strong Congress element, officers of the provincial C.I.D. may feel some difficulty even before 1st April in reporting as fully and as frankly as in the past on the activities of parties and individuals, on the manoeuvres for the formation of ministries, and even on what I may describe as the extra-parliamentary activities of prominent politicians who belong to the more extreme parties. This would be more particularly the case were it to be decided that Ministers should have access to all secretariat papers.

3. If there is anything in the difficulties to which I refer, they would, if my anticipations as to election results are correct, tend greatly to curtail the intelligence available to the Governor on the one hand and the Government of India and the Governor-General on the other. I am of course quite conscious that it is open to the Governor to consult his Inspector General of Police (I am writing to you separately on the question of the relations between Heads of Departments and the Governor after 1st April). But this means of keeping him in constant touch with the situation has certain obvious limitations; and I am myself of the opinion that the right course would be now to turn to further use

of the Central Intelligence Officers' Organisation as a means of conveying to the Governor information which C.I.D. Officers may hesitate to place on record in a form accessible to the Ministry, and of furnishing to the Government of India such information as the C.I.D. feels unable to place on its regular records as well as information collected by the Intelligence Officer himself. I am asking the Director, Intelligence Bureau to ask Central Intelligence Officers in future to send him a weekly letter; and subject to your views, I am myself strongly in favour of the issue of an instruction by us to Central Intelligence Officers to discuss the situation with their provincial colleagues, and, if that form of assistance would be welcome, to offer their services as a medium for the transmission of information.

4. I hope that you will agree with me both as to the importance of maintaining this side of our Intelligence Organisation at the fullest pitch of efficiency, and as to the desirability of action on the lines to which I have now referred. I am making a similar reference to other Governors.

Yours v. sincerely,
LINLITHGOW

58

Nehru on Importance of Voting for the Congress

The Bombay Chronicle, 10 February 1937¹

Everywhere the Congress election issue looms large before the eyes of the people and it is, therefore, necessary to understand the significance of this campaign. Why has the Congress taken up this activity with so much enthusiasm and energy? Not because India is going to win Swaraj through these assemblies and councils. That could never happen.

It is for the purpose of strengthening the national movement and for the sake of the only vital question that awaits a solution at the hands of the people. The poverty of the people and their ever increasing misery are the question which await a definite solution that can not be put off.

There can be only two forces in the country, one representing the Indian National Congress and the other, the Government.

So long as you do not realise the important principles involved in the Congress programme of capturing the legislatures you will not be able to understand the real meaning and significance of these elections. These

¹ Speech in Bombay on 9 February, 1937

elections are not intended to send inside the legislatures people who would adorn ministered *gaddis*. I therefore want you all to take a broom and sweep the government's yes-men off the councils.

The issue before us is very clear. If once the importance of elections is realised everyone would automatically consider it his duty to support the Congress without hesitation. It is encouraging to hear of the successes of the Congress in Bihar and other provinces. The effect of such good news is heartening and other provinces should take the lead.

The Congress has once again proved that it enjoys the loyalty of the peasants as it has always supported the cause of the peasants. All the kisan *sanghs* in the country are welcome to join the Congress for they must not forget that India is predominantly a land of the peasants.

In the fight for national independence all must join, for one section of the people alone cannot carry it on. The Congress therefore must win the elections. Do not pay any heed to the so-called independents. Those who are not Congress candidates must not be supported. The growth of the Congress is the main thing. It must gain strength. Round it hinges our future. It is an army which needs men of courage. It must have discipline. This is no time to criticise the Congress. It is the real protector of all Indian interests. Whoever works against it in the name of labour is doing a disservice to the working class. On account of some petty quarrels, the trade union leaders are opposing the Congress.² They have thought it fit to put up a candidate in the labour constituency of the city in opposition to the Congress candidate. Though the Congress attempted to accommodate the Trade Union Congress, nothing has come of it. The major issue facing us should not be forgotten.

The present attitude of the Trade Union Congress will harm not only the cause of the workers but the national movement itself. Is it the desire of the Trade Union Congress to keep away the workers from playing their legitimate part in the fight for freedom? It is deplorable that the Trade Union Congress should go to the length of joining hands with the rivals of the Congress candidate. Let them remember that today there is no issue before the country except the question of independence. And if they remember this, they should alter their attitude towards the Congress. It is wrong to suppose that the Congress is against the working class movement. The very purpose for which we have joined this struggle is to get bread to the starving, clothes to the ill-clad, shelter to the homeless, work for the unemployed and a better standard of living for all. I, as an ex-President of the Trade Union Congress, have the welfare of the workers at heart. I hope the Trade Union Congress will not do anything to cause disruption among the nationalist forces in the country but will help to consolidate them and strengthen the fight for freedom.

² See No. 25.

It is a pity that much time and energy are being wasted on petty squabbles. The Congress alone has taken upon its shoulders the heavy responsibility of expressing the will of the nation. No other party in the country has the courage to do it or would ever dare do it.

At this critical juncture, it is the duty of every Indian to stand by the Congress brushing aside all other considerations.

The communalists among the Hindus and the Muslims are quarrelling over the loaves and fishes of office. But the people at large are gradually able to see what lies behind the cloak of communalism and are rallying round the banner of the Congress.

In certain sections of the press a report of a secret pact between the Congress and Mr. Jinnah regarding the acceptance of office by the Congress has appeared. It is a false and malicious report. It would be a grievous mistake if the Congress accepts office, after the nation has spoken its mind in the manner it is doing in province after province. We should remember the issue on which we have approached the electors and they are giving their verdict. Then, how on earth can I sign a pact with Mr. Jinnah whom I have seen only once during the last five years and that too only for minutes at a students meeting in Allahabad?

I regret that Mr. Jinnah should call the Congress Muslims "adventurers". I most emphatically protest against such a description. The Congress Muslims in the North West Frontier Province and other provinces cannot be called so and their suffering and sacrifice have evoked admiration from the entire country. After all, what does Mr. Jinnah know of the national movement when he has not cared to take part in it even once?

There are Muslims in the Congress who can provide inspiration to a thousand Jinnahs. Let not Mr. Jinnah pour ridicule on the Muslims in the Congress. What does he know of their steadfastness, their patriotism, their struggle, their heroism and their sacrifices? Mr. Jinnah does not understand our demand for independence that has shaken this mighty government. I challenge Mr. Jinnah to show whether there is any other party or organisation in India than the Congress which has given such a consistent fight to the government with a view to alleviating the lot of the poor, hungry and unemployed. Not only Britain but the entire world cannot resist India's demand if but a quarter of India resolves to assert the claim for independence.

Mr. Jinnah speaks in sarcastic terms about independence. He does not realise that the course of events in the world and the very spirit of the times are going to work for India's freedom. I am sorry to see the way Mr. Jinnah's mind works. He does not understand the significance and the real spirit of national independence. Mr. Jinnah may prefer "responsible government", but, I, for one, would not agree to join such a

party in preference to the Congress which stands for national independence. As for the achievements of Mr. Jinnah's party, I shall not say a word.

I am sorry that the Congress did not set up more Muslim candidates. In the United Provinces, I found a large number of Muslim voters asking me in whose favour they should exercise their franchise in the absence of Congress candidates. The voters of the U.P. whether they were Hindus or Muslims, were all anxious to vote for the Congress.

In the end, I would appeal to you all to vote for the Congress candidates.

59

Annadurai's Election Speech on the Goals of Justice Party (Extract)

The Justice, 12 February 1937

Under the auspices of the Madras "Young justicites" League a public meeting was held at the Spun tank.

The Chairman (K. Seshigiri Rao) said that the meeting was held to place before the public certain facts on the face of which the electorate would be asked to give its verdict. They all know that the two important political parties contesting the coming elections to the provincial legislatures were the Justice party and the Congress party, the Speakers that would follow him would deal exhaustively on the merits and the demerits of these two parties. He requested the audience to give a patient hearing to them. He then called upon Mr. C.N. Annadurai to address the gathering.

Mr. C.N. Annadurai said that for the past few weeks there had been many meetings held in the city and elsewhere, where in the political parties which were seeking the suffrage of the people were placing before them their respective claims. The public might have witnessed Congress meetings, heard speeches galore, national slogans and songs repeated for time and again by songsters and songstresses, flags being hoisted etc; on the other hand they of the 'Justice Party' were not indulging in such vain-glorious methods.

Congressmen were saying that the Justice Party was a rich man's party. "The word rich man's party" could be interpreted in two ways only....

... What about the Congress party, which was day in and day out misrepresenting the Justice Party? Was not the Congress today financed

by rich mill-owners? Were not all the rich and the monied classes either members of the Congress or erstwhile supporters and sympathisers of the Congress? Why then all those pretensions that, unlike the Justice Party, the Congress was a poorman's organisation? If only a careful analysis of the Congressmen were to be made, it would be certainly evident even to the meanest intellect that Congressmen were only bluffing. In fact Congress was being run by rich men and it was standing for the interests of the capitalists only. To take an example, was not Samuel Aron of the West coast a capitalist and a mill owner? Is he not hailed as a Congressman? Then why should Congressmen protest vehemently that the Congress was still a poor man's organisation, where as the Justice Party was not? Take again the case of Mr. Avanasi Lingam Chettiar of Coimbatore, was he not a rich money-lender? Similarly, was not Dr. Subburoyan who was once running the ministry of the Government of Madras with the help of Congressmen and who had now been adopted as a Congress candidate, a rich Zamindar? Who were Mr. Mutthu Ranga Modiliar and Mr. Nadimuthu Pillai? Were they not rich people? and were they not hailed as Congressmen? More instances could be quoted to show that the Congress party as it stood at present was composed of a number of capitalists, mill-owners and zamindars. And from every action for which the Congress was responsible, it would be seen that the Congress was standing only for the furtherance of interest of capitalists and the monied rich, while the poor were being exploited. When facts revealed otherwise, continued Mr. Annadurai, it would be absurd to say that the Justice Party was a Zamindari Party and the poor had no place in it. The charge could be very well laid at the doors of the Congressmen themselves and he was sure that the public could be no longer deceived by those hollow and insincere pretensions. Was it not due to the ceaseless efforts of the Justice Party that many a rich Zamindar had come forward with a view to help the poor masses? If anybody was to realise the achievements of the Justice Party he should visualise the conditions prevailing in this Presidency some 17 years ago. The history of this presidency since the last two decades was really the history of the achievements of the Justice Party. If one more proof was needed to show that the Justice party was really working in the interests of the poor masses, the recent Inams Act¹ alone would be sufficient for the purpose. By virtue of this Act about 50,000,000 Inam tenants who had hitherto no occupancy right, had been given that right and it had been estimated that this had enfranchised more than a million Inam tenants. Was this not an achievement? Even some of the pro-Congress

¹ The Inam's bill which was passed on 3 September 1936 in the Madras Legislative Council vested permanent occupancy rights on the tenants of Inam lands.

journals had accepted this fact. Where then was the question of the Justice party being a Zamindari Party?

He would earnestly request the voters to analyse every act for which the Party was responsible, and see whether there was anything reactionary in them. Take for example, the Hindu Religious Endowment Board which was a standing monument of the achievements of the Justice Party. Would anybody say that the bringing all the properties of religious institutions under safe control and seeing that they were all properly managed was reactionary?

Take again matters political. Some Congressmen were saying that their ultimate goal was *Swaraj*, others said that it was *Poorna-Swaraj*. While some others said, it was complete Independence, whereas those people belonging to the school of thought of Pandit Jawaharlal Nehru were saying that the salvation of the country lay only in Socialism. On the other hand, they of the Justice Party did not use such fantastic phrases and never deceived the public. The Justice Party believed only in constitutional agitation for attainment of Dominion Status. The recent Italian aggression of Abyssinia must be a lesson to all those day-dreamers who indulged in such pompous phrases as complete Independence and severance of British connection. When Mahatma Gandhi said that the ultimate goal of India should be the attainment of Dominion Status, there was no flutter among Congressmen and nobody ventured to call him a traitor or a reactionary. It was exactly the same thing that the Justice Party was saying. Why should the Justice Party, be then called reactionary party? The truth was that the Justice Party was standing against monopoly of any kind in any field and it never allowed and it would never allow a particular community to outgrow the rest of the communities.

If there was to be salvation for the country, the same must be attained by two methods: one was through revolution and other was through constitutional agitation. The Congress party was trying to adopt the former method. But in all its attempts it had failed. The triple-boycott, non-cooperation, no-tax campaign, boycott of foreign cloth, boycott of foreign liquors and last but not the least civil disobedience—all these had been tried but to no purpose. By these methods the Congressmen had not carried the country even one inch towards the march for freedom. On the contrary, the progress of the country had been retarded in every respect. The presence of so many safeguards in the new constitution could be very easily traced to the unconstitutional methods adopted and foolish utterances made by these impetuous Congressmen.

60

*Brabourne to Linlithgow: Interim Assessment of Election Results
in Bombay Province*

L/P.O./6/99 (1)

GOVERNMENT HOUSE, BOMBAY
13th February, 1937

In this Presidency since I wrote my last report on January the 15th¹ the electioneering campaign has been in full swing, but most of the organised activities have been on behalf of the Congress. There have been mild disturbances at some meetings, especially in Bombay City and Poona, but none of them have been of a serious nature, and, outside these two cities, the campaign appears to have been conducted peacefully.

There have been one or two complaints that Government officers were interfering unduly in election campaigns of candidates, but, on the whole, such interference has been noticeable by its absence. A circular was issued warning all Government servants that they must not take any active part in the electioneering campaign, and that any deviation from strict neutrality on their part would be punished by Government.

I told you, in my last report, that I hoped to get a detailed estimate of the probable results of the elections early this month. These have now been received from Collectors, and I attach herewith a statement showing a summary of their estimates. It will be seen from this statement that they put the total number of Congress candidates for the Provincial Assembly likely to succeed at 68. This number includes, of course certain candidates who are not by any means staunch supporters of Congress. The same applied to the Independent candidates, of whom, according to the Collectors, 69 are likely to succeed. The term "Independents" includes a heterogeneous collection of people, some of them real Congressmen who stood as Independent candidates because they were not selected by the Congress as candidates on the Congress ticket; a very considerable number of Muhammadans i.e. 19 in all, a number of whom probably signed the Jinnah League pledge, and other candidates such as the Anglo-Indians, Europeans, Indian Christians, representatives of Commerce and Industry, Landholders etc., who may alone be classed as really independent and as representing their own special interests in the Assembly. They also include the Democratic

¹ See No. 19

Swaraj Party and the Khoti Sabha candidates of the Konkan, and a few who are reported by the Collectors as having no party label. The Non-Brahmins are given 15 seats only, which testifies to their lack of union, as they should normally have secured at least 25 to 30 seats. The Muslim League are given 8 seats only, but, as I have stated above, a considerable number of the Muhammadan candidates included under the Independents are likely to follow the League policy if they are successful.

In the Legislative Council they estimate that there will be 11 Congress candidates successful, 12 Independent and 3 uncertain. This is rather surprising, as I did not anticipate that the Congress would be likely to secure so many seats in the Council.

I must frankly admit that I do not think that very much reliance can be placed on these forecasts. Many of the candidates appear to be sitting on the fence and just waiting to see what are going to be the results of the Congress Party candidates before they make up their minds what line they are going to take if they are elected.

You will see, from the above, that it is quite impossible to form any accurate estimate as to the eventual outcome of the elections here. As regards the probable composition of the future Government, public opinion is still very divided on the subject to whether Congress will, or will not, take office should they get the chance; but, on the other hand, the talk of a possible anti-Congress Coalition is growing. I think there will probably be a meeting of the various leaders and "would-be-leaders" of the anti-Congress parties as soon as the elections are over, and the feeling is growing that the Europeans may be able to play a considerable role in consolidating a number of "Independents" who will not know where to look for a party leader.

Dr. Ambedkar's boast of winning, not only the 15 seats which are reserved for the Harijans, but also a good many more—looks like being completely falsified, as I feared it would be.

I had a long talk with Jinnah last week. He tells me that he is confident of having at least 20 adherents out of the 30 Muhammadan members of the Assembly, and I think this is quite possible, although the question of leadership of the Muhammadans will have much to do with this, and there are at present no less than five prospective leaders.

I fear that all the above is very vague and unsatisfactory, but it reflects the actual position.

Yours ever,
BRABOURNE

Statement summarising the forecasts of the coming elections in the various constituencies of the Bombay Legislative Assembly and Bombay Legislative Council as reported by the Collectors

BOMBAY LEGISLATIVE ASSEMBLY

| Class of constituency | Total No. | Congress | ★ | | Non- Scheduled Caste | Muslim League | ★★ |
|-----------------------|-----------|----------|--------------|----------|----------------------|---------------|----|
| | | | Independents | Brahmins | | | |
| General | 115† | 59 | 33 | 14 | | | |
| Women's General | 5 | 4 | 1 | | | | |
| Muhammadan | 29 | — | 19 | | | | |
| Women's Muhammadan | 1 | — | 1 | | | | |
| Anglo-Indian | 2 | — | 2 | | | | |
| European | 3 | — | 3 | | | | |
| Indian Christian | 3 | — | 3 | | | | |
| Commerce & Industry | 7 | 3 | 4 | | | | |
| Landholders | 2 | — | — | | | | |
| Labour | 7 | 2 | 2 | | | | |
| University | 1 | — | 1 | | | | |
| Total | 175 | 68 | 69 | 15 | | | |

BOMBAY LEGISLATIVE COUNCIL

| Class of constituency | Total No. | Congress | ★ | | Non- Scheduled caste | Muslim League | ★★ |
|-----------------------|-----------|----------|--------------|----------|----------------------|---------------|----|
| | | | Independents | Brahmins | | | |
| General | 20 | 11 | 8 | — | — | — | 1 |
| Muhammadan | 5 | — | 3 | — | — | — | 2 |
| European | 1 | — | 1 | — | — | — | — |
| Total | 26 | 11 | 12 | — | — | — | 3 |

★★ In this column are entered those seats regarding which Collectors' reports are silent.

★ Independents include Democratic Swaraj Party, Khoti Sabha, and those reported by Collectors as having no party label.

† Of these 15 are reserved for Scheduled Castes, 7 for Marathas, and 1 for Backward Tribes.

61

Haig to Linlithgow on Election Estimates in UP

L/P.O./6/99 (1)

GOVERNOR'S CAMP, UNITED PROVINCES

13 February 1937

MY DEAR LORD LINLITHGOW,

In continuation of my letter of February 4th,¹ I can now give Your Excellency a fairly clear picture of the results of the elections to the Lower House, even though a number of the results are not yet out officially. There is no doubt that the Congress have had remarkable and wholesale successes. I do not think any one would put their numbers at less than 120 in a house of 228, and the number might well run up to 130 or 135. In any case it is plain that they will definitely have a clear majority. In addition, they will presumably have some understanding with the left wing of the Muslim League, from which no doubt they will take two Muslim Ministers, and they might have in this way some 15 Muslim supporters. This would give them a substantial and assured majority, particularly as the opposition will be lacking in organization and probably slack in attendance. The opposition, so far as I can judge at present, will consist of about 50 Muslims, some of them returned as National Agriculturist candidates, some as Independents, some as Muslim League, but I think likely to coalesce into a definite Muslim party, very vigilant about Muslim interests. In addition, there will be perhaps 20 Hindus, five or six scheduled castes and about six Indian Christians, Europeans and Anglo-Indians.

2. It is generally assumed here that the local leaders of the Congress will desire to take office, and unless there is some unexpected decision at the Congress meeting at Delhi, this may I think be taken as fairly certain. Everybody assures me that Mr. Govind Ballabh Pant is believed to favour this course.

3. The question of the spirit in which a Congress Govt. will take office is one on which I cannot yet form an opinion. I was talking today, for the first time since the elections, to my two Ministers, separately. Sir Jwala Prasad Srivastava, who had a very bitter contest on behalf of his wife in the Cawnpore district, takes a gloomy view of the future. He maintains that the Congress have stirred up bad feeling in the villages,

¹ See No. 46

that they intend to keep in this respect the ground they have won, and that they will use their power in the Govt. to prepare the way for conditions which will break down the present constitution and the ability of the British Govt. to maintain itself. Sir Muhammed Yusuf on the other hand, though he is generally reputed to be extremely old-fashioned in his political outlook, does not take nearly so gloomy a view. He believes that the Congress will make an endeavour to work the Govt. constitutionally, and that though they will no doubt go out for spectacular tenancy reforms and concessions, in fact they will not be able to get very far, because quite a considerable number of those who have been returned on the Congress ticket do not believe in extreme measures or wish to run the risk of revolution. Moreover, the Second Chamber, which is certain to be a conservative body, will act as a check on any hasty action. The general opinion, so far as I can gauge it, is closer to that of Sir Muhammed Yusuf than to Sir Jwala Prasad's anticipations. I think Sir Jwala Prasad may have had his views unduly coloured by the experiences he has encountered in this quite exceptional election at Cawnpore, during which the Congress exceeded all bounds of decency and seem to have succeeded to a large extent by mob methods and mob feeling. I shall of course give every chance to a Congress Govt. to work constitutionally, and I hope this is in fact what will happen; but if I find that their object is not really to work the constitution but to undermine the whole position in preparation for a revolutionary mass movement, then I think it would be better to break fairly soon; and when one does break, to have no half measures but to use all the powers under section 93 of the Govt. of India Act to their fullest extent.

4. As to the causes of the overwhelming Congress successes it is a little difficult yet to write with confidence. There is no doubt that the Congress propaganda was astonishingly intense and effective, particularly in the last fortnight. The weight of it was in the direction of holding out alluring prospects to the villager of what would happen if he voted for the Congress, and on the whole I should judge that the villager felt it was at any rate worth while seeing how much there was in these promises. So far there is little to corroborate Sir Jwala Prasad's Cawnpore experience, that any serious anti-Government feeling has been aroused in most places.

5. Apart from this, the zamindars themselves have contributed to their own downfall. They had their own petty personal feuds. In many cases I think they were over confident and believed that their authority would secure votes and that it was not necessary to canvass the individual voters. A great deal of harm was done by the unfortunate rivalry between Sir Jwala Prasad Srivastava and the Nawab of Chhatari for the Chief Ministership, which has eluded both of them. That led to

unsuitable candidates being put up because they were thought likely to support one or other of the aspirants, and to their receiving on that account lukewarm support. But whatever the causes, the results have been quite astonishing. In Oudh some of the most important taluqdars with reasonably administered estates have been defeated, and in the Gorakhpur division, where there are a number of very large zamindars believed to have an exceptionally strong hold on their tenants, they have practically without exception been defeated. These are the two main surprises. In the west of the province Congress successes on a pretty large scale were anticipated. But Oudh and the east of the province have been a great surprise to every one. It is clear that under present conditions the big landlord cannot in general stand up to Congress in an election. An interesting feature of the results is that there will be few Hindu landlords in the Assembly (apart from special representatives through the landholders' constituencies). On the other hand most of the important Muslim landlords will be in. This will give added weight to the Muslims in the opposition.

Yours sincerely,
HARRY HAIG

62

Abdul Halim Ghuznavi's Proposal to Anderson on Ministry Formation

R/3/2/63

18, CANAL STREET, CALCUTTA,
13th February 1937

YOUR EXCELLENCY,

Having come down to Calcutta to attend the first meeting of the Indian Central Jute Committee, I utilised my spare moments in trying to ascertain the bearing of the Provincial elections in so far as they have proceeded up to now on the prospects of a stable Government in Bengal. It is only natural and pardonable that I should do so in view of the active part taken by me in the initiation of the new Constitution through the Round Table Conferences and the Joint Parliamentary Committee and my repeated declaration that the provisions of the Constitution are adequate to ensure the formation of a stable Government in Bengal.

I do not of course presume to know what Your Excellency's intentions may be with regard to the appointment of Ministers under the

new Constitution. In all probability you will not be able to make up your mind finally until the Second Chamber has been fully constituted. But as Your Excellency is the Chief Executive Authority of the Province entrusted with the duty of choosing your ministers, you are entitled to know every view which may assist you, so that the fittest person is called upon to undertake the very complicated task of forming a Ministry which should have stability and an agreed programme of Legislation. I shall therefore place before Your Excellency my views in this connection based on the information available to me.

The elections to the Provincial Assembly disclose diverse groups which do not divide very much on principles or policies and whose allegiance to the creed is somewhat indeterminate. This would by itself make the task of ministry-making in Bengal very difficult now as it has been in the past. The situation today is analogous to that of 1924 when the Swaraj Party entered the Council with a goodly following to break the dyarchical form of Government. The position is rather worse and more difficult today, firstly because of the Communal Award which is considered undesirable by the caste Hindus whether they belong to the Congress or not; and secondly because of the absence of the official and nominated bloc.

So far as one can judge at this stage the disposition and the strength of the different groups appear to be as follows: The Congress Party claims to have over 50 members as its following while the 3 Moslem Parties viz the League, the Proja and the Independents (i.e. those without a party label) count almost equal number of members in their support. The Scheduled caste Hindus may have to give up about one-third of their number to the Congress while the support of the National or non-Congress Hindus for the Constitution may be somewhat lukewarm as they are not happy over the Communal Award although they may work the Constitution provided men of extreme communal tendencies and views are not included in the Ministry. There is, however, no doubt that the Congress Members will be the strongest single party in the Assembly and they are doing their utmost to win over persons belonging to other groups so that they may form an effective opposition to support their policy of wrecking the Constitution.

To counteract the activities of the Congress Party, there must, therefore, be a combination of all the forces which are in favour of working the Constitution, that is to say, the Moslem Members and the non-Congress Hindu Members. It cannot be done through the formation of a ministry on communal lines.

Taking the Moslems first there is at present no cohesion among members either of the League or the Proja Party while the Independents form an absolutely heterogeneous body. The paper strength of the

League or the Proja Party cannot be relied on. I understand that quite a good number of members both in the League and the Proja Party have not yet signed the creed of the Party notwithstanding continued persuasion and pressure. These people are now claimed by both the parties. Again, there is personal jealousy and desire for supremacy not only among the leaders of different groups but also among prominent members in the same group which makes it impossible to enforce any discipline. Further, the presence of the non-Bengali Muslim element in the League party and their attempt to predominate has already created resentment among Bengal Muslim members.

The difficulty has been further enhanced by two outstanding incidents in the recent elections, namely (1) the defeat of Sir Nazimuddin by Mr. Fazlul Huq and (2) the return of Mr. Huq with about half the number of candidates he had run for the Proja Party. Moreover, even if Sir Nazimuddin is returned through a bye election, it will not rehabilitate him and restore his prestige in the public eye. The introduction of Seven Members of his family has made him unpopular not only with the Muslim Members but also with the public at large. Another factor of importance is the inveterate hatred bordering on a sort of family feud existing between Sir Nazimuddin and Mr. Huq and their respective parties. It is also a fact that both of them have been aiming at the Chief Ministership, and if it goes to Sir Nazimuddin, Mr. Huq with his following is sure to join the Congress opposition along with a fair proportion of the Muslim Independents, thereby making Muslim solidarity impossible.

As for the non-Congress Hindus including the Scheduled caste representatives, they are opposed to the Communal Award although they may be inclined to give the Constitution a trial. Further, the frankly communal attitude adopted by Sir Nazimuddin and his paper the "Star of India" and the Moslem dominance preached and claimed by them have frightened these Hindu Members and made most of them nervous about a coalition with any Moslem group.

In this state of affairs unless some way can be evolved to combine the Moslems either on the basis of groups or in their individual capacity into a workable unit and also to remove the fears and apprehensions of the Scheduled Caste and non-Congress Hindus so that an effective coalition may be formed of these two, it will be impossible to have a stable Government in Bengal.

Where distrust, jealousy and divergence of views are so important, and where so many conflicting claims have to be reconciled it will call for super-human effort from anyone who may be entrusted with this supremely difficult task. Sir Nazimuddin could have attempted it if unfortunately he had not been beaten at the polls and if he had not

forfeited the confidence of the Hindu Community by the extremely communal attitude and sentiments adopted by him. His mediation will not therefore be acceptable to the Proja Party or to the Hindus. Mr. Fazlul Huq has not the capacity to do so as he is unreliable and easily led by irresponsible persons. But at the same time I do not think it will be practical politics to ignore either Mr. Huq or Sir Nazimuddin in the formation of a Cabinet. Your Excellency is therefore confronted with the task of finding a person who can bring about a Coalition amongst the different political groups including those led by Sir Nazimuddin and Mr. Huq. Such a person should also be acceptable to the Hindus for it will be a gesture to the Hindus that their interests will be safeguarded by the new Constitution.

In the circumstances it appears to me that it will be worth one's while to try Sir Mohiuddin Feroqui and ascertain whether he will be able to form a Hindu-Muslim Party sufficiently strong and stable to back the new Administration. It appears that he may succeed where others are likely to fail. His selection will not produce any serious bitterness on any side because of his detached position so far. He is expected to be able to get together most of the Independent Moslem members as well as some people with indeterminate allegiance from the Moslem League and the Proja Party. Besides, being very popular amongst Hindus, he will be able, without much difficulty, to get together most of the non-Congress Hindus to support him and thus reduce the virulence of the Congress opposition. As the seniormost member of the Government at present, and as the Leader of the House for a fairly long time, he has unmistakably proved his capacity to keep various divergent groups together during a period of seven long years. Further his financial position is such that there is no risk at anytime of his being placed in an awkward or embarrassing position, a contingency which might happen either in the case of Mr. Fazlul Huq or Sir Nazimuddin. I am therefore clearly of opinion that he at present will be able to bring about an effective coalition of all the diverse elements in the Assembly except the Congress.

I have seen it suggested by constitutional Pandits that Your Excellency in the first instance ought to send for the leader of the Congress Group as they form the largest single party in the House. I frankly confess that I do not share this view. The Congress have openly decided upon a wrecking policy. They have not got a clear majority in the House. Besides, terroristic activities are by no means dead yet. In the circumstances neither constitutional practice nor prudence and common sense should require Your Excellency to do so as it will mean undue encouragement of persons who want to wreck and not work the new Constitution.

May I take this opportunity of drawing Your Excellency's attention to the Hindu-Muslim pact which has come to be known as the GHUZNAVI-BURDWAN PACT? The criticisms of the proposals so far published in the Press are no correct measure of its reception by the two communities. There is a large volume of support behind them from both the major communities and every day finds a welcome change in the attitude of those who had started with an animus against these proposals. I enclose herewith copy of a letter received from the Marquess of Zetland in this connection as also an extract from a letter on the subject from Mr. F.H. Brown of the "London Times". They speak for themselves. I do hope that in connection with the formation of Your Cabinet Your Excellency will see your way to take these proposals into consideration.

I shall be leaving for Delhi next Sunday as I must be there for the Railway Budget which will be introduced next week. But in conclusion let me assure Your Excellency that I shall be only too glad to do all that lies in my humble power to bring about solidarity in the Moslem ranks and an effective coalition with groups of Hindu Members so as to be of some use to Your Excellency in forming a stable Government in my Province.

I remain,
Your Excellency,

Yours sincerely,
ABDUL HALIM GHUZNAVI KT., M.L.A.

63

Linlithgow to Erskine on Access of Departmental Heads to the Governor

Erskine Papers

THE VICEROY'S HOUSE, NEW DELHI
13th February 1937

[Personal and Confidential]

MY DEAR ERSKINE,

I notice from communications which reach me that there still seems some misunderstanding on the subject of the future position in the matter of the access to the Governor of the Heads of Departments.

2. Two guiding principles were kept in view when the new Government of India Act was framed. They were, in the first place, that no officer of Government, whatever his position, should under the Constitution be given a statutory right of access to the Governor. Secondly, that since the executive authority is vested constitutionally in the Governor he has an inherent right by virtue both of his position and his functions (including his special responsibilities), at any time at his wish to send for any servant of the Crown holding any post in connection with the affairs of the province.

3. It is due to the application of these two principles that there is no provision in the Act conferring a right of access upon any officer or class of officers, and no provision authorising the Governor to send for any officer or officers holding specified posts. Provision of the first kind would have introduced a wrong principle; provision of the second kind would have been unnecessary for the reason just mentioned.

4. On the other hand there is provision in the statute which in the matter of supplying the Governor with information distinguishes the Secretaries to Government from other officers serving the Government. Thus by virtue of the statutory direction contained in sub-section (4) of section 59 Secretaries to the Government, jointly with the Ministries, will be required (in the terms of provision in the rules of Executive Business) "to transmit to the Governor all such information with respect to the business of the provincial Government as may be specified in the rules or as the Governor may otherwise require to be so transmitted." And, again, in the same sub-section of section 59 there is the additional provision placing Secretaries to Government under the obligation to bring to the notice of the Minister concerned and of the Governor any matter under consideration by him which involves or appears likely to involve any special responsibility of the Governor.

5. This provision in the statute establishes the relationship to the Governor of the Secretaries to Government and defines their responsibilities to him without prejudicing his responsibilities to the Ministers. It is a natural outcome of this statutory relationship that the Governor would arrange for regular days on which he would meet Secretaries and receive from them information as regards business current in their department.

6. Heads of Departments, on the other hand, are not given the statutory responsibilities in relation to the Governor placed by the act on the Secretaries to Government. I recall that when the Bill was under the consideration of Parliament an amendment was moved to extend the provisions of section 59(4) to cover Inspectore-General and Commissioners of Police. Objection to the amendment was taken by the Solicitor-General and the Secretary of State and the amendment was withdrawn, but the discussion of the amendment was interesting. The

Solicitor-General explained that the normal channel between the Head of a Department and the Governor would be through the Secretary to Government: the special position given to Secretaries to Government was in conformity with present practice and arises from the position the Governor will occupy in relation to the business of the Government; the Inspector-General of Police like the head of any other department would have access to the Governor, if the Governor so desired; moreover, if special provision were made for the Inspector-General of Police, it might be difficult to resist the suggestion that all other heads of departments should have the same statutory position. The Solicitor-General added that in the view of His Majesty's Government the position is completely safeguarded both by the liaison of the heads of Departments through the Secretary to Government and by the fact that the Governor can always see the Inspector-General of Police, or any other head of a Department if he wishes to do so. Similar arguments were used by the Secretary of State.

7. There is however a further aspect of this question which requires attention. Under the present Act Ministers have shown themselves on the point of any direct access of officials to the Governor without their knowledge. This was recognised when the Bill was under discussion in Parliament and Government were at pains to explain that in the position given in the statute to the Secretaries there was no intention of going behind the back of the Ministers.

8. Naturally the same consideration applied as regards access to the Governor of the Heads of Departments. As explained the Ministers have no *locus standi* to object to the Governor sending for Heads of Department. But it should be assumed that in any arrangements of that kind which the Governor may see fit to make he would take the Ministers into his confidence in order to remove apprehensions which might otherwise arise in their minds that access to the Governor of the Heads of Departments was being used in a manner which might prejudice their own position as Ministers charged with a primary responsibility for the conduct of the affairs of the province.

9. I have thought that you may find it useful to have with you this general statement of the position as I see it. I feel sure that if the Governor's power to send for Heads of Departments is judiciously used, there should be no room for misunderstanding. I am myself inclined to attach great importance to the maintenance of direct personal contacts between the Governor and the senior officers of his Government, not solely from the point of view of the information which the officer supplies to the Governor but in regard to the encouragement and inspiration which by his personal interest the Governor can and should inspire on all branches of the administration of which he is the head and

in which he will continue to carry such important responsibilities. At the same time in anything said above I should not be taken as implying that in no circumstance do I contemplate Governors in future seeing heads of Departments save as the result of an *ad hoc* summons on a particular occasion. I can readily conceive circumstances in which a Governor might find it prudent to see e.g. the Inspector-General of Police at fixed times—once a week or even oftener. It may be expected that fixed times for interviews with heads of Departments would in general be the exception rather than the rule; nevertheless the point I am concerned to bring to your notice (and it is a point to which I attach importance) is that such an arrangement, so long as the position in regard to it was perfectly clear might well not be more objectionable to Ministers than *ad hoc* interviews.

10. I need of course scarcely remind you that there are many ways in which the Governor can obtain contact with departmental heads other than by formal interviews. The Governor's choice of his method of maintaining these contacts may be expected to depend on circumstances of which he alone would be the judge.

Yours very sincerely,

LINLITHGOW

64

Congress Socialist Party's Disapproval of Gandhi's Willingness to Accept Dominion Status (Extract)

The Pioneer, 14 February 1937

A meeting of the Council of Action of the Bihar Congress Socialist Party held at Hajipur passed, among others, the following resolution:

The Council notes with grave concern the remarks made by M. Gandhi regarding Dominion Status in his letter to Mr. Polak. In the opinion of the Council the goal of complete independence is in no manner compatible with the framework of the Empire nor Dominion Status in any shape or form can mean complete independence.

The Council considered it a matter of great regret that the solemn pledge which the Congress took at Lahore and which it renews yearly on January 26, should be traduced by such an eminent leader as M. Gandhi.

The Council feels that such action cannot but weaken our struggle . . .

Therefore the Council considers it its painful duty to record strong disapproval of this action of M. Gandhi—A.P.

MR. POIAK'S STATEMENT

Before leaving India, Mr. H.S.L. Polak made the following statement:

"I am about to leave India after a business visit of some month's duration, in the course of which I have taken the opportunity of meeting a number of old friends with whom I have talked about political, social and economic developments in this country.

"Among those whom I have met has, of course, been M. Gandhi with whom the personal tie has always been so close. In the early part of this month, I had the pleasure of seeing him at Sheogan, when I discussed a number of matters with him in order to learn his point of view for my personal information.

"In the course of one of these talks, I asked M. Gandhi, if he would tell me exactly what he meant by the phrase "Complete Independence," as it was one that lent itself to a number of interpretations. The definition that he gave me appeared to be of such importance that I asked him if he would let me have it in writing, in precise language, with a view to publication. He un-hesitatingly agreed and he has now sent me the following letter:—

"My dear Henry,

Owing to the pilgrimage to Travancore, it has not been possible for me to write to you earlier. Your question is whether I retain the same opinion, I did as at the R.T.C. of 1931. I said then and repeat now that so far as I am concerned, if Dominion Status were offered in terms of the Statute of Westminster, i.e. the right to secede at will, I would unhesitatingly accept it.

Yours sincerely,

BHA1

65

*Linlithgow to Hubback on Political Developments in Orissa (Extract)**Linlithgow Papers*

THE VICEROY'S HOUSE, NEW DELHI

15 February 1937

[Personal & Confidential]

MY DEAR HUBBACK,

I am not surprised that Khallikote and Kanika are disturbed by a programme such as that set out in the Congress document which you reproduce, though I am not entirely clear as to what Kanika has in view when he talks about landlords being "obliged to make terms with Congress". I agree with you in feeling that the depth of his present pessimism is likely to be modified once he becomes more accustomed to the situation. The real remedy under the new Constitution for persons who feel that they have not come out of the elections as well as they had expected is to get their electoral machinery and their party organization into order *now* for the next election. No doubt as greater experience of the working of a system more democratic in character and based on a far wider franchise than anything hitherto experienced in India is gained, this will become patent to those concerned, whether they be as in certain Provinces, Congress, or as in Orissa, Zamindars. But, quite apart from the private interests of those who will be the Opposition, it is of great public importance that both sides of the case should be adequately presented to the electorate.

2. I am glad you agree that undue importance is not to be attached to past records, good or bad, and that what we really want is teachability; though it is essential of course that one should feel oneself in a position to place confidence and dependence in the statements made and the undertakings given by individuals. It had not escaped me that there may be a period of some uncertainty pending the results of the elections generally, and that you may well find it impossible to get a firm answer until late in March from potential first Ministers. On that issue, one can but do one's best. The new system does not come into being until 1st April; but we are I think all agreed that from all points of view it is most desirable that, if practicable, the Ministry to take over on the start of provincial autonomy should have been formed in anticipation of it; though I quite appreciate that events may make that difficult.

3. I mentioned in my last letter that the outside influences operating on leaders of parties in the new Assembly were not strictly our business, and that we must, I thought, go ahead without allowing our course of

action to be unduly influenced by them. Conversely I quite accept that the influence exercised by these external considerations may at the same time be sufficient to make it impossible for an individual approached to give you a firm answer. In that case I of course fully agree that all one can do is to express regret at the inability of the individual to take a final decision, or to commit his followers, to take note of the fact that he would hope to be in a better position later, and to add that he would of course realise that, having regard to the narrow margin of time upon which you will be working, you must remain at liberty to take such steps as you thought appropriate in regard to the sounding of other individuals in the matter of the formation of an alternative government.

4. I have sent you one or two letters on matters of general interest which have been suggested to me by my correspondence with other Governors. I think it is not unlikely that my correspondence will suggest from time to time various items which may be of interest or value to you; but I do not wish unduly to trouble you with personal letters or with the need for acknowledging suggestions on points of detail. What I propose to do, therefore, and I trust that this will commend itself to you, is to ask my Private Secretary from time to time to communicate through your Secretary items of information or suggestions which may seem to me to be *prima facie* worth consideration. While recognising perfectly that local circumstances may, as regards some matters, make expedient some divergence of practice, I do rather strongly feel that there are some fields in which the establishment of such degree of uniformity between the action of Governors in different Provinces as may be practicable, will prove, in experience, to be a source of strength to all. And apart from this consideration, I think it may be helpful to all concerned that I should make available any good ideas that come along in the course of my correspondence. I hope very much that you may find that the procedure I suggest is of some value to you in this respect.

5. I am interested in what you tell me about Ministers and junior posts. Thank you very much for this very full information.

6. Let me say again that I shall welcome any information that you may continue to care to give me as to developments of the situation both as a whole and in its relation to individuals. Khallikote, who is coming up here in the near future for a meeting, has asked me to interview him, and I have also had a request from Parlakimedi. I take it you see no objection to my seeing either of them (perhaps you would be so kind as to telegraph), though I must of course be careful to avoid any suggestion that I am giving advice on matters which are primarily your concern, or interfering in any way with provincial politics; and you might prefer that I should postpone interviews until your Ministry has been formed.

Yours sincerely,
LINLITHGOW

66

*Linlithgow to Zetland on the Congress' Mobilisation of Election Ferment into Anti-government and Anti-landlord Movement (Extract)**Zetland Papers*

THE VICEROY'S HOUSE, NEW DELHI

15 February 1937

MY DEAR LAWRENCE¹,

You and I have enough of troubles from day to day to keep us occupied, without the need for any adventuring into speculative fields. Never-the-less, I think it worth while to devote a moment or two to telling you my view of the general political position out here at the moment. It is clear that Gandhi and Nehru are both concerned to prevent provincial autonomy breaking up the all-India unity and discipline of Congress, and so to preserve Congress as an effective instrument for the prosecution of anti-British and revolutionary policies. Nehru has called a convention at Delhi for March of representatives from all provinces. We are still without details as to the business to be transacted but understand that the object of the convention is discussion between the all-India Congress Committee and the elected Congress representatives in all provincial legislatures, and that a thousand invitations have been issued. I have no doubt that the true objective behind this move is the improvement of all-India Congress discipline by the execution of a little steady drill on the square! The next question for Gandhi and Nehru is that of allowing acceptance of office in provinces where a clear majority has been attained by Congress, and later on, perhaps the same problem in regard to coalitions. I have the instinct that Nehru is asking himself whether the election ferment along with the expectations aroused amongst the peasantry by the electioneering promises of Congress do not together present an opportunity for a policy of non-co-operation as regards office acceptance, and at the same time a "no-rent and no land revenue" campaign, opening with civil disobedience and proceeding to mass agrarian mischief on the grand scale. I should like to think that Nehru will, on this basis, try a tilt at Government in the near future, because I take the view that his organization in the villages is not yet ripe, and that I could scupper him now more cheaply than in, say, the cold weather of 1938. I am afraid that he may share my convictions in this regard and defer his challenge till a

¹ Lord Zetland

later date. Also, I am sure Gandhi would not allow him to more prematurity. The fact that they have very large majorities in U.P., Bihar, Orissa, and probably in the C.P., cuts, I think, both ways. On the one hand, it gives Congress a very wide tract of country over which, in terms of elected representatives, they are supreme; and over which the central Congress machine can probably (though this is disputed by some good judges) command the obedience of their followers and achieve, for example, a general refusal to accept office, or some cunningly contrived plan to combine the taking of office with the deliberate creation of a deadlock. On the other hand, they have achieved such a notable electoral triumph as the result of promises made to improve the position of the poor, that it will not be easy for them to refuse to take office and to try to do something for their supporters. In general, I am impressed by the extent to which the rural vote seems to have been swayed by promises to reduce taxes, rents and debts. It is, I think, only to the extent that the notion of taxes is linked to "Government" that there has been any direct anti-Government (and therefore, to some extent, anti-British) prejudice raised in the villages. But there can be no doubt that the well-known cry of "sack the rich!" has been eagerly listened to. I gather that a consequence of Congress's victory has been largely to dishearten the landlord type. In Orissa, Hubback reports them to be muttering that they will now have to forego their support of the British Empire and make their peace with Congress,—whatever that may mean. This mood is no doubt due in part to the despondency that follows a crushing defeat at the polls. I have told Hubback that I hope he will encourage the conservative elements to begin straight away to put their party organization into shape for the *next* election, and have emphasized the importance, from the public angle, of having both points of view in politics adequately presented before the public, in the constituencies as well as in the legislature.

67

Linlithgow to Zetland on Ghuznavi—Burdwan Agreement (Extract)

L/P.O./6/70

17 February, 1937

15. In paragraph 6 of your letter of 18th January¹ you mentioned your correspondence with Anderson about the Ghuznavi-Burdwan agree-

¹ See No. 23

ment. As I mentioned in my last letter I have not of course seen your correspondence with Anderson, nor have I so far heard from him (he is still on tour in the Andamans). But Ghuznavi wrote to me a few days ago to ask for an interview with a view to explaining the position in regard to the award and his views on the Bengal elections. Anderson, whom I consulted by telegraph on this matter, strongly advised against receiving Ghuznavi. He added that the settlement had had an unfavourable reception, but that he considered that judgment should be reserved until the leaders who would be mainly concerned in the formation of the new Government had pronounced opinion. It would be in their power to give practical effect to the settlement should they so desire.

68

Confidential Appreciation of the Political Situation in India (Issued on the Authority of the Secretary of State for India) (Extract)

Cabinet Papers 24/268

17 February 1937

2. The elections to the new Provincial Legislatures have already been completed in Bengal, Bihar, Assam and Orissa and have made good progress in all other Provinces except Madras and Bombay where polling commences in the middle of February. Notwithstanding the increased number of electors, polling arrangements have proved adequate and no serious difficulty has so far been experienced in the conduct of the elections.

As was to be expected the excitement associated with the elections has led in some places to disturbances of the peace, but on the whole there has been very little disorder, and only a few cases have been reported from Bihar in which polling was temporarily suspended on this account. In Bengal 23 persons were injured in an election fracas, and in the Punjab there have been several instances in which parties came to blows, resulting in the loss of two lives. In the United Provinces it became necessary in some districts to prohibit the carrying of weapons on election days. An objectionable feature which has come to notice in Bihar and the Central Provinces has been the use of employees of local bodies, such as school teachers, to canvass for Congress candidates where the latter had power to command their services. In the United Provinces

a tendency was observed to make the election campaign a pretext for preaching sedition on a wide scale, and the Local Government were obliged to issue instructions for preventive action, which has been taken in a few instances.

3. The elections in Bihar and Orissa have resulted in a clear, although not very large, majority for Congress over all other parties combined. In Bengal, they have secured only 54 out of 250 seats and, in Assam, 32 out of 108. They have prospects of an absolute majority in the United Provinces, but, in the Punjab, they will form a comparatively small minority. The election results undoubtedly illustrate the advantage which a single well-organised party possesses over a number of smaller groups contesting elections independently. Thus, in Madras, for instance, the Justice Party and the People's Party have failed to combine and the non-Congress vote will therefore be split. At the same time among parties and groups other than Congress the real work of party formation is still to come. Even in Bengal the non-Congress parties separately represented are eight in number, and it is therefore easy for Congress to appear as the largest individual party. In this, as in other Provinces, it is too soon to attempt to gauge the ultimate strength and composition of the parties in the Local Legislature. In the meanwhile, the Congress party are preparing to hold their proposed "National Convention" in Delhi at some time in March, at which the elected Congressmen will presumably receive their instructions from the All-India Congress Committee as regards work in Legislatures, and the question of office acceptance will be decided.

4. An attempt was made by Congress to celebrate "Independence Day" on 26th January. Instructions¹ were issued by Jawahar Lal Nehru to all Congress committees to make a prominent feature of the reading of the "Independence pledge" of January 1930. This pledge is framed in very seditious language, since suppression of the last made to give it publicity. The proposed action was, therefore, regarded as a definite challenge to the Government, and orders were issued by practically all Local Governments declaring the pledge to be forfeited and warning the public that these orders would be enforced. As a result, Jawahar Lal Nehru cancelled his instructions² and scarcely any attempts were made to carry out the original programme. The celebrations aroused little interest or enthusiasm.

5. The Bengal Nagpur Railway strike continued throughout January but has recently come to an end. Railway services continued to be fairly well maintained and there was no disorder during the strike.

¹ See No. 5.

² See No. 36.

69

*Haig to Linlithgow on Appreciation of Effects of Elections in UP**Linlithgow Papers*

CAMP

17 February 1937

[Secret & Personal.]

MY DEAR LORD LINLITHGOW,

In continuation of my letter of February 13th,¹ one can now begin to gauge the first effects of the elections on the big landlords. They are in varying degrees bewildered, frightened and angry. They put great efforts into the electoral campaign and spent money freely. The result is a complete reversal of all their anticipations. They are very apprehensive of what the Congress may do to them. There is also a good deal of resentment against the attitude of Government. One cannot help understanding their feelings. Their argument runs as follow. We have for generations been loyal to the Government and the Government have supported and encouraged us. In this election we have been fighting not only our own battle but the battle of the Government, for the Congress have throughout made it clear that they are attacking the whole system of Government and the British connection. But the Government have stood by indifferent and allowed us to be beaten. In many cases even Government servants have definitely worked against us. (This is a very common allegation, but I doubt if there is much substance in it, save for the lower paid Government servants.) As I mentioned to Your Excellency in Lucknow, there is always a certain tendency among this class, if they are beaten, to lie down, and there are not wanting those who think that their best chance of saving anything out of the wreck is to hasten to tender their submission to the Congress. This would in fact, in my opinion, ensure their downfall, for the Congress after using them and reducing them to practical impotence would then finish them off. I think the more sensible realise this clearly enough, and it seems to me probable that they will try to pull themselves together and organize resistance. There are even those who say that while they have been beaten at the polls the next fight will be with other weapons. But this is in the main bravado.

2. The Muslim situation is still obscure. There are rumours that the Congress will make considerable efforts to win over at least the whole of the Muslim League group, realising that if they do this and thus split the

¹ See No. 61

Muslims seriously, they will render the whole opposition ineffective. I think they are fully alive to the danger of having an active and united Muslim opposition. Nevertheless, it seems doubtful whether for the Ministry they will pass over the handful of genuine Congress Muslims in favour of those who are clearly not in real sympathy with the Congress aims; and even if, to begin with, they attach a fair number of Muslims to themselves, I doubt whether this attachment will last long. But both the Muslims and the landlords may be affected by what happens in other Provinces, and there are rumours from Bihar that the Congress are making some impression on these classes there.

3. Sir J.P. Srivastava is in the mood to continue the fight, and he could do a great deal to give weight to the opposition. He realises that in view of the figures I gave to Your Excellency in my last letter, the Leader of the Opposition must be a Muslim. I have seen the Nawab of Chhatari recently. He talks very sensibly about the whole position, but he is not a natural fighter and I am inclined to doubt whether he would take on the position of Leader of the Opposition. It is not impossible that this would fall on Sir Muhammad Yusuf, who has considerable skill in what one might call the unseen working of the political machine.

4. Much will depend on the Upper House. Here, again, I fear that the landlords have been caught napping. They were so confident of success in the Lower House that comparatively few men of ability and position are standing for the Upper House, and the demoralization caused by the Congress victory will to some extent be reflected even in the elections for the Upper House. It is understood that Congress or Congress sympathisers may amount to as many as 20 out of 52 elected members. My nominations will be of considerable importance.

5. Everyone assumes that the Congress intends to take office, and I do not think they will require any kind of encouragement from me. In view of the situation that is now developing, the uncertainty of the attitude of the Muslims and the landlords and the soreness among the latter, I have come to the conclusion that it would be unwise for me to go out of my way to see the Congress leader at any early date. I think this would merely depress the opposition elements and increase the probability that they would lie down and allow themselves to be trampled on. My present idea therefore would be not to send for Mr. Govind Ballabh Pant until just before the Delhi meeting, or even perhaps not till after it. There is I think a good deal to be said for the latter course.

6. The Congress have presumably two lines of policy which they will pursue: (1) To make spectacular concessions to the tenants and establish their influence with them. (2) To pursue more vigorously the whole programme of attack on the Constitution and the British connection. The second line has been the undercurrent all through the present

election, and I think we may expect it to be stressed more strongly once the Congress are in office. The Commissioner of Meerut has just sent to Government some extracts from speeches delivered by Jawahar Lal Nehru in his recent visit to the Meerut district, and they illustrate so clearly what is I am afraid being said on a very wide scale that I attach them to this letter for Your Excellency's information. The line of approach both to the Muslims and to the landlords would certainly be—Our primary quarrel is with the British Government, join us in condemning and attacking it and we will be prepared to make certain terms with you. It is difficult to judge what is the impression created by the election in the villages. On the whole I think the impression so far is very wide but not yet deep. It remains to be seen whether the Congress try to continue their work in the villages without intermission. It is possible of course that the Congress in office will tone down, but on the whole I am very much disposed to doubt it. There is a fairly general idea that they will wish to remain in office for a year or 18 months and then at some moment that suits them break.

7. When the Congress Government take office, a great number of points will arise on which the Governor will have to take a definite line either of acquiescence or of opposition. The Congress Governments will be working to a large extent to one single policy indicted to them by the All-India Congress Committee. If the Governors deal with these matters on different lines, their position will be greatly weakened. I have no doubt Your Excellency has already been considering the importance of settling an all India-line for Governors to take on these matters. I do not know whether Your Excellency has considered, or would think it desirable, to have a conference at Delhi of all the Governors of the Provinces in which there will be Congress Governments. Speaking for myself, I think this would be of the greatest value. We could then act with much more assurance. In any case, at a later stage, I should greatly value the opportunity of coming into Delhi for a day and discussing with Your Excellency a number of points which I think are likely to arise in this Province.

Yours sincerely,
HARRY HAIG.

[ENCLOSURE TO THE ABOVE LETTER]

*Copy of Extract from a Demi-official Letter from the Commissioner,
Meerut Division*

AT MOWANA JAWAHARLAL NEHRU SAID:

“That Government rule by despotism and sheer force passing laws whether people liked them or not. That trade of the Government is

flourishing at the cost of our industries. Nothing can be done unless the Government is changed. The English Government can never do anything for us. I think this Government cannot continue any longer. The real fight for swaraj will begin after the elections."

AT MEERUT HE SAID—

"The force of the population is now up and against the Government. The Viceroy announced that no public servant will take any part in the elections, but secretly he encourages them to oppose the Congress. The District Magistrate and other officers are interfering in these elections and are oppressing people in many ways. There have been Emperors who have been set aside; the Viceroy is nothing in this comparison. I may tell you that I see no longer life for the British rule now." At Rasna he said—

"Your money which you pay in revenue, rent and taxes goes to the British Government. That money goes to England and we are running into debt. Our country looks almost deserted and there are only a few schools of the District Board. It is all like this because the Government is in the hands of a few who carry it on in their own interest. The Government is in foreign and so there are no hospitals and the little arrangement that there is at once corrupt and insufficient. Now others make law for us and we have to obey them under the pressure of the army. The officers are not appointed by your consultation, they may be good or bad and so often they are bad. So in every village there must be committees and panchayats of the Congress."

70

Keane to Linlithgow on Analysis of Political Situation in Assam

Linlithgow Papers

GOVT. HOUSE, SHILLONG
February 18th, 1937

DEAR LORD LINLITHGOW,

Our elections are all over and passed off quietly.

The outstanding feature has been the success of the Congress. No one expected that they would win more than 20 seats at the outside. Actually they will have 34 seats and there are one or two others who are practically followers of Congress, but were not elected on the open Congress ticket. The reason of their striking success is the same as everywhere else. They were the only party in the field. It was Congress

versus Government. But Government has no party. All those non-Congress Hindus who stood as independents did not pretend to be a Government party. So there was nothing really definite up against Congress. Individuals have little or no chance as a rule against an organised party.

The only other section which is numerically equal to the Congress is the Muslims. They also have 34 seats. But the Muslims cannot just now be called a party. They have a Muslim League party consisting roughly of 7 or 8 members, a Surma Valley Parliamentary Muslim Board party consisting of 6, 7 or 8 members, an Independent party whose numbers are vague and an Assam Valley Muslim party of 10 or 11 members. The lines of distinction between these parties, other perhaps than the Assam Valley party, are a good deal blurred and many members on the margin of one or other of the parties are quite ready to drop off and join other parties. By general consent there is only one Muslim leader who would in all probability be able to weld together the greater number of the members of these parties, Sir Syed Muhammad Saadulla. The difficulty in his case is that he is now in Calcutta practising at the bar and his name is widely believed to be up at the present moment for a seat in the Calcutta Bench. If he gets the High Court, he will not return to the Province. If he were here, I should have little hesitation in asking him to assist in forming a Council of Ministers. The policy of the Muslims is such that they would have no great difficulty in getting parties other than the Congress party to join them in a coalition. But Saadulla is not here and I have to wait for some days still before the announcement of the appointment to the High Court is made. I had a letter from him yesterday asking me to come to no decision for another week. In his absence no leader has emerged who could claim to lead more than a small fraction of the Muslims.

In the case of the Congress party too I am unable to send for any of them at present, even if I wished to do so, to assist in forming a Government. In the first place they are not themselves agreed on a leader. It had been assumed that their leader would be Babu Basanta Kumar Das of the Sylhet valley who has long been a prominent Congress man. I am told now that the Assam Valley Congress men have not yet agreed to his leadership. Even in the Congress ranks the jealousy between the valleys is fairly active. A meeting of the Congress members has been called for the 22nd of February in Gauhati in which they are to decide two principal matters—(1) who is to be the leader, and (2) whether they will recommend to the All-India Congress Committee that they should be allowed to accept office in this Province. There is a section, and indeed the ablest section among the Congress men, who are in favour of acceptance. But there is, I am told, a strong section,

probably the majority section, who are against acceptance of office and even should the local Congress party decide on recommending acceptance, this recommendation has to pass the gauntlet of the All-India Congress Committee. The more general belief is that in a Province like this where the Congress are not in the majority they will not be permitted to accept office. This too is my own opinion. They could only form a Government by means of a coalition and to secure a coalition they would not only have to surrender several of their own cherished principles, but they would also have to give their assent to many other principles which they now condemn.

The Muslims of the Surma Valley are holding a meeting on the 24th of February to endeavour to secure unity so far as the Surma Valley at any rate is concerned.

A meeting also of the tribal members and the members of backward areas is to be held on the 23rd of February in which they propose to come to an understanding and form a single party of their own. They could form a party of about 11 if they all united.

The result of the whole thing for the moment is that I am reduced to waiting for another week at least before I can take definite steps. I cannot approach the Congress party because they have no leader and they have not decided on their policy of acceptance or otherwise. I cannot approach the Muslim party because at the moment they have no leader at all who can command any following. It is possible that if it is once known that Sir Muhammad will not return, they will be driven in their own interests to find some leader with whom one can negotiate.

The position for me is annoying. The sands of my own time are running out fast and I am driven to sitting still waiting for the results of these various meetings and watching the days slip by. I had hoped to have everything cut and dried by the time Sir Robert Reid arrived on the 2nd of March. But the way in which things have turned out is likely to interfere with that hope. I have written to Sir Robert explaining the position in full and warning him that things may not be so far forward as I had expected.

I will let Your Excellency know as soon as ever there is any change in the situation.

Yours sincerely,

M. KEANE.

71

*Graham to Linlithgow: Appreciation of Election Results in Sind**Linlithgow Papers*

GOVT. HOUSE, KARACHI

February 18th, 1937

DEAR LORD LINLITHGOW,

I did not write last month partly because I was in camp and away from the gossip of headquarters and partly because there were no new developments.

Our election results are now practically complete and we have the satisfaction of being very poor "news" owing to the failure of Congress. In a House of 60 we have 7 members returned on the Congress ticket. No Congress candidates were proposed for the 33 Muhammadan seats. For these the elections have gone in favour of the Sind United Party. This party is actually composed only of Muhammadans, but it offers co-operation to the Hindus. It claims 23 seats at present and being the largest group will attract some of the professing independents. The party label really means very little and I shall have to do a lot more analysis before I decide whether to offer two seats in my Ministry to this party, or one to them and one to the Sind Muslim Party—assuming that this offer will produce a coalition. I am rather inconvenienced because the Leader (Sir Shah Nawaz) and Deputy Leader (Haji Abdulla Haroon, M.L.A.) of the Sind United Party have lost their elections. Sir Shah Nawaz (one of my advisers) lost his seat partly from over confidence and partly because of a particularly dirty trick played at the last moment by his rival. On this second ground Shah Nawaz may succeed in an election petition, but that is a lengthy procedure, and in the meantime it is said that one of his party will retire to enable Sir Shah Nawaz to contest his seat. If this actually happens I shall be inclined to "send for" Sir Shah Nawaz on the understanding that if not successful in the election he will resign forthwith. All this will seem very petty compared with the situations arising in Provinces where Congress has been successful; but I think that you will be grateful to Sind for not adding to your burden.

Will you excuse me for having been rather backward in acknowledging four letters from you, the earliest dated the 4th January—and the latest the 10th February. The first was accompanied by a memorandum on the subject of the statutory right of the Governor-General and Governors to address their Legislatures, and the difference between such

speeches and the King's speech. We worked this out in the Home and Legislative Departments of the Government of India in 1921-22 when there was a resolution before the Council of State asking that rules should be framed to enable an address to be moved. Our conclusion agreed with that contained in the memorandum sent by you. Your letter of the 10th February dealing with the formation of Ministries is very helpful and I shall very gratefully avail myself of your assistance if I find any difficulty. So far the only point of real interest for me is the putting in of Sir Shah Nawaz as Minister before he has secured a seat in the Legislature. This is of course permissible under section 51, and as Sir S.N. is the Leader of the largest party from which I expect to take two Ministers out of three, I think it is clearly proper to offer him a Ministership, but I shall not do so until one of his followers has resigned his seat with a view to enabling Sir S.N. to seek election. This will prevent me from taking action immediately after the completion of the election. The Sind United Party is expected to meet very shortly and as the largest party in the House will doubtless acquaint me with its wishes. I see that Emerson has already adopted your formula in the matter of sending for an individual with a view to forming a Ministry, and I propose to do the same.

Your second letter of the 10th February has not yet been fully digested by me. It deals with the obtaining of information by the Central Intelligence Organisation and the Local C.I.D. and particularly with the difficulty which may arise where Congress is in the majority. It is difficult to see how things will work and for the present Sind being free of any Congress element in the Government I do not think that the troubles which you anticipate elsewhere will be felt here. In theory I dislike the suggestion that my C.I.D. should communicate with me through your Intelligence Bureau, because we cannot face the discovery of this procedure and everything in India gets found out sooner or later. I should prefer to rely on what I can get direct from my Inspector-General of Police; but as far as I am concerned, the thing wants further investigation and I don't expect to reach a conclusion till after the Constitution has begun to function. Your remaining letter (I really apologise very humbly for not having answered each one separately) dealt with the Governor's powers of keeping in touch with his Secretaries and others. It is at present with my Chief Secretary with whom I am going to discuss it. May I say that I found it very helpful and that after discussing it with my Chief Secretary I shall send any comments on questions which may seem necessary.

Your sincerely,
L. GRAHAM.

72

Nehru's Circular on Mass Contact and Anti-Constitution Day

AICC Papers, F. P1/1936

ALLAHABAD
February 19, 1937

DEAR COMRADE

Now that the elections are over we are in a position to review the situation and plan our future work. The larger policy governing our work in the legislatures and outside had already been laid down by the Congress—the policy of fighting the new Act and the federation, and working for the constituent assembly. How best to do this, in so far as the legislatures are concerned, will be determined by the A.I.C.C. next month. But the large body of Congress workers should not merely wait for developments. They have immediate and important work ahead of them and this has to be undertaken whatever the ultimate decision of the A.I.C.C. might be.

The elections have taught us afresh the old lesson—that our strength comes from the masses and from mass organisation and the facing of problems affecting the masses. Everywhere, where we went to the masses direct, we had splendid response from them. Our very few reverses were largely due to our workers not looking to the masses in that area but relying on the support of small groups and individuals. But the days of small groups controlling elections are past.

Secondly, wherever Congress work had been done in the past regularly and efficiently and the Congress organisation had been kept functioning, our success was overwhelming. It was not the election campaign so much as the previous work and contacts with the masses that helped us.

Thirdly, our election campaign itself was something much more than getting some Congressmen elected to the legislatures. It was a wide-flung appeal to India's millions to line up with the Congress for Indian independence and the facing and ending of the appalling poverty and misery of the Indian people. It was to this cry and appeal that these millions responded in such magnificent measure.

Our future work must therefore keep all this in view. We must remember always that despite all our success in the elections our most important work lies with the masses. Work in the legislatures, in order to have any effectiveness, must be kept in line with mass work and mass contacts. The newly elected Congress members of the legislatures have, inevitably, to carry through their tasks in these legislatures, but they

have a larger field of action and that is their constituency. They represent not only their voters, who form ten per cent of the population, but also the ninety per cent others in that area. They must therefore keep intimate touch with these masses of our countrymen and coordinate their activity in the legislatures with their work outside. Both have the same objective—Indian independence and the lessening of the burdens of our people.

Mass work cannot be done with success individually. It requires organisation. Obviously the organisation that can undertake this with success is the Congress. Therefore our immediate objective must be the formation of Congress committees in every village. This would be in accordance with the direction of the Faizpur Congress. Wherever I have travelled during these last few months of intensive touring, I have laid stress on village committees and I have invariably found that the peasantry and others welcomed the idea warmly. We must therefore start this working of forming village committees immediately. The village and the peasant await us—let them not wait in vain.

Anti-Constitution Day: Another important work faces us. This is the hartal on April 1st in accordance with the resolution of the Faizpur Congress calling for a hartal or general strike on that day. I have found during my tours that this idea has met with a ready response. It must be popularised from now onwards, so that this day might be magnificent demonstration of the nation's detestation of the constitution and its resolve to be free. Every cooperation to make this day a success must be invited and welcomed. All those who want to get rid of the constitution and stand for a free India should be invited to join, such as trade unions, merchants' associations, peasants' unions, students' associations and like bodies.

Yours sincerely,
JAWAHARLAL NEHRU

73

*Emerson to Linlithgow on Trends of Events Following the Elections**Linlithgow Papers*

GOVT. HOUSE, LAHORE
February 19th, 1937

[Private & Personal]

MY DEAR LORD LINLITHGOW,

I find it difficult to reply to Laithwaite's letter of the 17th¹ of February regarding the probable trend of events following the elections, as I have been out of touch with all-India politics for some time and the views I have heard about developments in the near future both from Europeans and Indians differ widely and are necessarily based on surmise. Also, I have fortunately no reason to anticipate any immediate difficulty in the Punjab, and so have not had to set my mind to the question. I have now attempted to weigh the possibilities, and give my impressions for what they are worth.

2. In several Provinces the future will depend on the attitude of Congress, and here there are two persons who obviously count a great deal, although their influence may not be decisive, namely, Gandhi and Jawahar Lal Nehru.

My last talk with Gandhi was in 1931, and much water has flowed under the bridges since then, but there are one or two impressions I formed in my dealings with him which may prove to be relevant. First, Gandhi is less uncompromising than Jawahar Lal. In 1931, as Nehru mentions in his autobiography (which incidentally throws a great deal of light on his character), he yielded on the question of complete independence. Second, he used often to talk of co-operation, although his idea of co-operation was a state of affairs in which Congress, meaning largely himself, was to be the mediator through whom Government were to have relations with the people. It was over the attempt to enforce this idea after the Irwin-Gandhi agreement that the chief fight was waged between us. He had, I believe, at that time occasional dreams of being the first Prime Minister of all India. Third, he was then devoted to Jawahar Lal, whom he regarded as his son and sometimes, but not always, he supported action by, or proposals of Nehru which he himself did not approve. Fourth, he is far less socialistic

¹ Not printed

in his views than Nehru. Fifth, he is more farseeing than Nehru, but less practical and direct in his methods.

I have met Jawahar Lal once only, but then had several hours' talk with him. I have read and heard a good deal about him since, and in connection with his visits to the Punjab I have had to estimate his personality and his aims. I believe that he is intractable, uncompromising and determined to work for complete independence. He hopes for mass revolution, and will not shrink from violence if necessary. Until lately he was counting more on external events, *e.g.*, a world war, than on internal developments, but the success of Congress can hardly fail to affect his views. He has an attractive personality, great force of character, and appeals to the mass of Hindus because he is one of their few leaders whom they can regard as a big man. Many of them dislike his socialistic views, but I have always felt that too much importance was being attached to this as a factor detracting from his influence—at any rate at this stage. The position may change if and when he attempts to put those ideas into practice. He was devoted to Gandhi, and would probably still go some way in meeting the latter's wishes, but not nearly so far as he went in 1931, and I doubt whether he will compromise on what he conceives to be vital issues. He will be more ready to face a rupture in Congress than Gandhi. The latter will do all he can to avoid a split, but, although he will go a long way in supporting Jawahar Lal, I am not sure whether he will go the whole way if several of the Provinces revolt against Nehru's domination.

I regard Nehru as more dangerous than Gandhi ever was. At the same time, it would be a mistake to view the latter as a spent force. If he emerges from his retirement, he will still exercise very great influence. I am not convinced that Gandhi wants mass revolution as Nehru undoubtedly does, but, if he decides to support the latter in his wrecking policy, then he will be prepared for the consequences, except that he will again delude himself on the question of non-violence.

I know little about the other Congress leaders, but I have always understood that Rajagopalachariar in Madras and Rajendra Prasad in Bihar were comparatively moderate. They would find less difficulty in breaking with Nehru than with Gandhi.

3. I am told that the Congress Party in Madras are determined to take office, and that this is likely to be the attitude in the Central Provinces if Congress succeed there. Reports in the press suggest that this may also be the case in Bihar, and the latest rumours from the United Provinces mention the probable composition of a Congress Ministry. At the moment it looks as if Congress intend to accept office. I find it difficult to believe that Jawahar Lal approves of this. It will be hard for him to swallow everything he has said in the last few months and is still saying.

We must know that once Congress accept office, he will find it very difficult, in practice, to control the policy of the various Congress Ministers. I remember that years ago I told him that if he would only take a constructive part in the administration, he would become so interested in it and so seized of the practical difficulties that he would soon become more bureaucratic than any one of us. He understands the implications of office as affecting his aim of complete independence, and, inspite of present indications, it seems to me that he may press strongly for non-acceptance. If he insists, there will be the prospect of a split in Congress ranks. Gandhi will do his utmost to avoid this. At any rate, in that case he will try to manoeuvre things so as to put Government as much in the wrong as possible. If there is a fight between acceptors and non-acceptors, a possible development is an attempt to make terms with Government. This may either be in the form of a uniform statement of conditions to be presented to each Governor concerned, or an all-India attempt to negotiate with Your Excellency. It is just possible that there may be a move for a discussion between Your Excellency and Gandhi with the onus placed on Your Excellency for refusing. Having gone all through the 1930 and 1931 negotiations, I have no hesitation in holding the very strong view that any discussions of an all-India character would be a very grave mistake. So far as Governors are concerned, the position seems to be clear. The prospective Ministry is bound by the Constitution. There is no room for an agreement outside it and no need for one inside it.

4. Present indications, however, suggest that Nehru is likely to find the opposition to non-acceptance so strong as to make it useless for him to pursue it with any hope of success. He will then, I think, attempt to make acceptance conditional on the aim of wrecking the Constitution from within, or, at any rate without any such declared intention, make it conditional on a uniform programme representing Congress policy. In this connection Your Excellency might see the statement of Congress policy as enunciated in the Karachi Congress session of 1931, when a detailed list of their aims was drawn up. Many of the items relate to all-India questions. Among those relevant to provincial matters are the following:

- (a) Freedom of associations and combination.
- (b) Freedom of speech and of the press.
- (c) Substantial reduction in agriculture rent or revenue paid by the peasantry, and in case of uneconomic holdings exemption from rent for such period as may be necessary, relief being given to small zamindars wherever necessary by reason of such reduction.
- (d) Imposition of a progressive income-tax on agricultural incomes above a fixed minimum.

- (e) A graduated inheritance tax.
- (f) Expenditure and salaries in Civil Departments to be largely reduced. No servant of State, other than specially employed experts and the like, to be paid above a certain fixed figure, which should not at any rate exceed Rs. 500 per month.
- (g) Total prohibition of intoxicating drinks and drugs.

So long as there is no question of a Governor approving a programme as a condition by a Ministry of accepting office, I take it that the mere announcement of a programme, however extreme it may be, is no bar to the appointment of Ministers, provided that the programme is not clearly inconsistent with the Constitution itself. On this assumption there would seem to be clear advantages if office is accepted. Even although the Congress programme may, and probably will, lead to a constitutional crisis in the near future in one or more Provinces, the acceptance of office is likely to prove less troublesome than non-acceptance, because, first, if there are Congress Ministries in several Provinces, some at any rate may develop into genuine co-operators; second, Ministers will find it difficult to wreck from inside; third, some are likely to resent attempts by Congress to dominate their policy from outside; fourth, even if a Governor has to exercise his special responsibility, the crisis would occur on a specific issue and not on a general programme. I assume, of course, that the Governor would retain, as he must retain under the Constitution, complete freedom of action within his powers, and that the constitutional position would be made clear in some way or other to the public. It would, for instance, create great demoralisation in the Services if the false impression were to get abroad that the appointment of a Congress Ministry has in any way compromised the power of the Governor to protect the legitimate interests of the Services.

5. If the deliberate policy is pursued of wrecking from within, the probable issues on which a crisis will be precipitated are—

- (a) Law and order, *e.g.*, repeal of so-called repressive laws.
- (b) Reduction of the police.
- (c) Reduction in the number and pay of Government servants.

Congress, with a deliberate wrecking policy, are likely to choose the issue most favourable to themselves. In some Provinces I imagine that they will propose drastic reductions in land revenue—which of course would not touch a Governor's special responsibility—and urge that this can only be effected by a reduction in the number or pay of Government servants, in particular by reduction of the police, which would at once affect the Governor's responsibility. They will not, however, find this to be so easy as they think, and they will find themselves up against hard

facts. Assuming, however, that Jawahar Lal will stick to his aim of complete independence through mass revolution, he will attempt to use the acceptance of office as a means of stirring up an agrarian revolt through the refusal of a Governor to accept advice which would make relief in taxation possible only at the sacrifice of his special responsibilities. While this policy might meet with a measure of success in one or two Provinces, it is unlikely to succeed in all, and the Congress position will be weakened if their plan breaks down in some Provinces.

6. There remains the case of non-acceptance. Here there may be two classes of cases—

- (i) where an alternative Ministry can be formed, although not commanding a majority; and
- (ii) where no alternative Ministry can be formed.

In the first case, the balance seems to be in favour of postponing the crisis and putting Congress in the wrong for creating one. In the second case, there seems to be no alternative to the suspension from the outset of the Constitution under section 93 of the Government of India Act.

7. Your Excellency will, of course, appreciate that the above observations are of a general character, that they are not intended to have reference to any particular Province, and that local conditions might make them quite inappropriate. They are also based on alternative assumptions, none of which may be in accordance with the development of the situation during the next few weeks.

Your sincerely,
H. W. EMERSON

74

Nehru to Sarat Chandra Bose on Selection of Candidates for the Bengal Council

Rajendra Prasad Papers

ALLAHABAD
20 February 1937

MY DEAR SARAT,

I have been receiving many complaints about the selection of candidates for the Bengal Council. I must say I am surprised to learn of the quality of candidates selected. It appears that one of them about whom

you wired to me has disdained to sign the Congress Pledge.¹ Is this not derogatory to the dignity of the Congress to offer nomination to people who subsequently reject it. The other members nominated seem to have joined the Congress after selection. Naresh Mukerji and B.C. Datt I understand opposed Congress candidates during the Municipal elections. Radha Kumud Mukherji has been a constant opponent of the Congress and intensely communal.

Shahid Suhrawardy, if he is the person who was so long in Europe with the League of Nations seems to be a desirable candidate although he may be new to the Congress. He is absolutely non-communal and he would be a gain.

I do not quite understand the method of selection. It appears that the single transferable vote will be used and so the order of voting will have significance. If so I trust that S. Suhrawardy's name will be placed somewhere near the top, for his election will have a larger significance.

Yours sincerely,
JAWAHARLAL NEHRU

Copy to Sardar Vallabhbhai Patel, Wardha.

¹ The Congress Pledge required a non-Congress member of the legislature, who desired to join the Congress Party to follow the principles and policy laid down by the Congress and to resign the seat whenever called upon to do so by a competent Congress authority.

75

K.N. Haksar to T.B. Sapru on the Emergence of a Muslim Bloc in the North-West (Extract)

Sapru Papers

MORAR
21 February 1937

... Meanwhile I send you an abstract and I would be glad to know your reading of it.

Extract from lecture on "Defence in the North-West Frontier Province" by General Sir Kenneth Wigram, G.C.B., C.S.I.

Although our hope is that under the new Constitution India will learn to sink her communal differences and will emerge as a single nation, it would be unwise to ignore completely the ethnological distribution of communities implicit in the new constitution, or to refuse even to

consider the possible implication of the distribution. In a very short time we shall see set up in the north-west a Muslim *bloc* comprising three predominantly Muslim provinces with Muslim majorities—Sind, the Punjab and the North-West Frontier Province—and one controlled area, also predominantly Muslim, namely Baluchistan. Although the Muslim population of this *bloc* may not represent a majority of the whole Muslim population of India, I venture to predict that, comprising as it will the dynamic and bigoted element of Muslims, it will take a leading part and will exert considerable.

76

Nehru's Statement on Students' Right of Participation in Election Campaigns

Nehru Papers

ALLAHABAD

21 February

I have been distressed to learn of the recent developments in the D.A.V. College in Cawnpore resulting in a strike of the students of the college. It appears that a large number of students took part in the polling day arrangements for the assembly election in rural areas and this was disapproved by the college authorities. This was done not only in Cawnpore but in various parts of India, and I am partly responsible for this as I, in common with some of my colleagues, appealed to the students and others to help us. It seemed to me that it was a well-recognised right and privilege of students to participate in elections in this manner. In other countries they do so; even in India, with its authoritarian atmosphere, they have done so. Senior students are often themselves voters and it is right that they should take interest in this working of the constitutional apparatus of the government. From the point of view of their education even and their preparation for life, it is desirable that they should be encouraged to do so. It is true that abnormal conditions prevail in India and, situated as we are, there is bound to be continuous conflict between our nationalism and will to freedom and the government which is based on authoritarianism. This inevitably introduces complications. But this conflict and these complications do not and should not limit this elementary right of the student world. The students stand on the threshold of life and they must walk across that threshold occasionally to see and understand life as it is. Only then will they be able to live it worthily and play an effective part in it. Thus in India, where all of us

await eagerly the change from the dismal present to a brighter and freer future, it is all the more necessary for students to prepare themselves for this future by understanding the present and taking some part in its manifold activities. Else they will be out of joint, unhappy misfits in a changing world. I am convinced therefore that we were right in asking the students to join in some of the election activities and they were right in responding to that call. Ordinarily the matter would have ended there as it has so ended everywhere else in India, including the other colleges in Cawnpore.

But unhappily in the D.A.V. College there was friction and the students were told, or thought, that they would be victimised for their behaviour. This excited some of them and it is stated that some cries derogatory to the principal were raised and some petty damage to window panes, etc., was done. The students as a body deny these cries but it is quite possible that a few among them were responsible for them.

It is regrettable that any student should have used unseemly language or indulged in unruly and rough behaviour. Such behaviour injures the cause of the students as it diverts attention from the principle involved to other matters.

It seems to me that a small matter has assumed needless importance and the sooner this conflict between the college authorities and the students is ended the better for all concerned. Discipline must exist in any establishment or organisation, much more so among the students. All life is largely a matter of discipline. But this discipline, in order to be of value, must be largely self-discipline. Imposed discipline often defeats its purpose.

I feel that the right of students to take part in orderly and constitutional politics must be recognised and to penalise such activity would be a grave wrong. In the present case, in view of the unruly behaviour of some students, it is right and proper that the students should express their regret to the principal for this.

I am sure that the principal has no desire to penalise his students and thus lay the foundations of discord. He must want harmony and the spirit of cooperation. I trust he will assure them that there will be no victimisation and the students will end their strike.



*Marquess of Zetland, Secretary of State
for India*



Marquess of Linlithgow, Viceroy of India



Michael Keane, Governor, Assam



John Anderson, Governor, Bengal



J.D. Sifton, Governor, Bihar



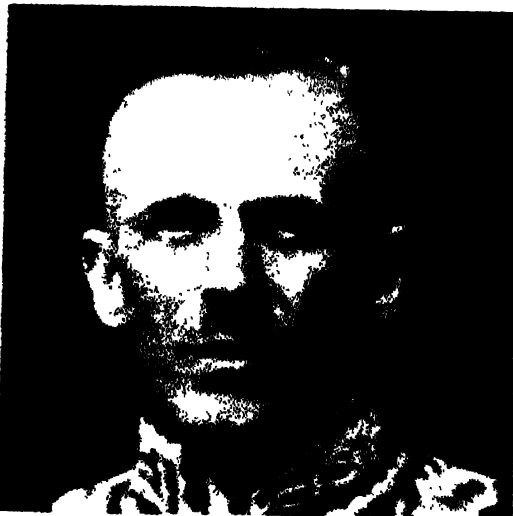
H. Brabourne, Governor, Bombay



Hyde C. Gowan, Governor, C.P. & Berar



J. F. A. Erskine, Governor, Madras



Ralph Griffith, Governor, N.W.F.P.



H. W. Emerson, Governor, Punjab



Bertrand Glancy, Governor, Sind



Harry Haig, Governor, U P.



S. Satyamurti



Bhulabhai Desai



Asaf Ali

77

*Nehru to Stafford Cripps on the Significance of Congress Victory in
Recent Elections*

Nehru Papers

ALLAHABAD
22 February 1937

MY DEAR CRIPPS,

I have long wished to write to you to congratulate you on the joint front of left-wing elements in Britain that you have succeeded in bringing about.¹ This was pleasing news and I felt that it was laying the foundation of bigger things to come. I could not write however because I was continuously moving about, often in remote parts of the country, addressing enormous audiences everywhere, chiefly in connection with our elections.

To give you some idea of the amount of travelling I have done during the last eight or nine months, and specially during the last three months, I might mention that I have probably covered over fifty thousand miles by railway train, motor car and aeroplane. I have addressed literally thousands of meetings and I imagine that in this way I have come into direct contact with ten million people. Apart from these huge audiences I have met vast numbers of others on the roadsides as I motored through rural areas. The enthusiasm everywhere was astounding.

You must have heard of the Congress victory at elections here. That victory is big enough but to grasp the real significance of it you must remember what we were contending against. We had the government apparatus and all the other vested interests against us and all means, fair and otherwise, were employed to defeat us. But the enthusiasm for the Congress was so tremendous that it swept everything before it. Our majorities have been enormous.

Remarkable as this election victory has been, the really significant feature of the election campaign has been the shaking up of the masses. We carried our message not only to the thirty million and odd voters but to the hundreds of thousands of non-voters also. The whole campaign and the election itself have been a revelation of the widespread anti-imperialist spirit prevailing throughout the country. It has also made clearer the class cleavages among the people. The big landlord

¹ The Independent Labour Party and the Communists made a United Front of the Socialist League headed by Cripps to oppose the Conservative Government in Britain.

class and other vested interest were ranged against us. They were swept away in the Congress flood, their most determined opponents being their own tenants.

This class cleavage is very apparent in the comparison between the elections for the provincial assemblies (lower houses) and the provincial councils (upper houses). In the former the franchise was low and the electorates were large, the average constituency having as many as forty to sixty thousand voters. In the latter the franchise was a high property one and the electorate was very small usually some hundreds. In the assembly elections we carried all before us and our majorities were prodigious, varying, as a rule, between twenty thousand and fifty thousand. In the council elections we fared badly though even here we won a few seats.² The election made it perfectly clear that the wider the mass appeal, the greater was our success. With the present electorate of about ten per cent of the population (for the lower house) we have gained ninety per cent of the seats in the general constituencies. We could have won 100% of these seats but for the tremendous pressure of vested interests, and sometimes the questionable tactics employed against us. If this is any indication of the Congress strength, as it undoubtedly is, then our position is even stronger so far as 90% of non-voters are concerned. Only a microscopic handful at the top, fearful of social changes, might be said to be against us and to cling to the present dispensation, though even they are critical of it.

This applies to the general constituencies. It does not apply so far to the Muslim special electorate and we have not succeeded in regard to Muslim candidates.³ Partly this is due to our own timidity as we ran few Muslim candidates. The burden of running over a thousand candidates was great and we did not wish to add to it. If we had run more Muslim candidates, I think we would have had a fair measure of success, especially in the rural areas.

But it is true that the Muslim masses are more apathetic. They have been too long doped with communal cries. They have no leaders of their own and they are a little hesitant in casting their lot completely with the others. Still it is obvious that even these Muslim masses are getting out of the *rut* of communalism and are thinking along economic lines. Equally significant is the change that is coming over the younger generation of Muslims. These young people are definitely cutting themselves away from the old communal ways of thought. On the whole, I think that the communal position is definitely brighter. The

² Of the 229 seats in the Upper House of six provinces, the Congress won 64 out of 92 seats contested by it.

³ Congress contested 58 seats and won 26 out of 482 Muslim seats in 11 provinces.

Hindu communalists have been largely swept away by the Congress and they count for little. The Muslim communal leaders still function but their position weakens for they have no reply to the questions about poverty and hunger and unemployment and independence that their own people put to them. They can think only in terms of jobs for the upper classes.

As a whole, India is wide-awake and expectant. It talks and thinks in terms of the poverty of the masses and how to relieve it, and inevitably it is being driven to a radical solution of our social problems. Politically the masses are wholly anti-imperialist, so also the middle classes, except the top fringe. My extensive touring has been a revelation to me of the suppressed energy of the people and of their passionate desire to be rid of their burdens. The Congress is supreme today so far as the masses and the lower middle classes are concerned. Even the Muslim masses look up to it for relief. It has hardly ever been in such a strong position.

The future is a little uncertain. Within a month the All India Congress Committee will meet to consider the situation and lay down our future plan of action. This will be followed immediately by a convention of all Congress members who have been elected to the legislatures. This convention is of course not the constituent assembly which we have demanded. It is meant to discipline our members and to keep before them the three principal items of our programme: fight the Government of India Act, hinder the federation from coming or functioning, and work for the constituent assembly. This convention will consist of over a thousand members.

When I say that the future is uncertain I refer to our immediate plan of action. So far as our general policy is concerned there is no uncertainty or indecision about it.

So much about India but do not imagine that I am engrossed with our own problems to the exclusion of those of the outside world. For me this Indian problem can only be looked at in relation to the world situation and I try to follow events and developments in Europe and elsewhere. But I have written a long enough letter and I shall not inflict any more of my thoughts on you.

I am sorry I could not send Mellor⁴ an article for the *Tribune*. But it was not possible for me to write anything during my tours. Even now I have to face a good deal of arrears of work. If you think it worthwhile you can give extracts from this letter in the *Tribune*.

With all good wishes,

Yours sincerely,
JAWAHARLAL NEHRU

⁴ William Mellor (1888–1942) Editor of the *Tribune*.

78

Emerson to Linlithgow on Prospects of Stable Government in Punjab

Linlithgow Papers

GOVERNMENT HOUSE, LAHORE

22 February 1937

[Private & Personal.]

MY DEAR LORD LINLITHGOW,

In my first letter of the series written in October last I gave an account of the various parties in the Province, and attempted to make a rough estimate of their chances in the elections. Except in one important respect, namely, that Congress had more successes at the expense of moderate urban Hindus than I anticipated, the estimate has been roughly confirmed by the results of the elections. Your Excellency may wish to refer to that letter both as regards parties and personalities fully to appreciate what I now have to say.

2. The Unionist Party has done almost as well as it expected. It lost two or three seats that it expected to win, but, on the other hand, has had several successes in constituencies which were doubtful. Its final strength is not yet determined as there is still some discussion going on with independent members, but it is likely to be nearer 100 than 90, and in a House of 175 members has a clear majority over all other parties combined. The Party, as at present composed, consists of one European, one Anglo-Indian, two Indian Christians, two or three members of the depressed classes, eight or nine rural Hindu members, and the rest Muslims. It held a Party meeting a week ago in which very clear pledges of loyalty were given to the Party by various groups and individuals, and the leadership of Sir Sikandar Hyat Khan was confirmed without any dissentient note. On the surface, therefore, the Party is in a strong position.

3. Among other Muslim parties or groups the Ahrars failed badly and captured only two seats, one of their most prominent leaders losing in his home constituency. The Muslim League had two successful candidates, and one of them has already joined the Unionist Party. No Ahmadi candidate was successful as such, but there is an Ahmadi member, who fought the election on the Unionist ticket. The Ittihad-i-Millet, which professed to take a prominent interest in the Shahidganj affair, obtained only two seats, and one of the members concerned has now joined the Congress. In addition, a few Muslims got

in as Independents, most of whom have joined or will join the Unionist Party. One or two Muslims at the most will join Congress, and there is one Muslim communist, a curious case as he belongs to a family with very loyal traditions and was educated at the Chiefs' College and at Oxford. His election, however, was entirely due to tribal influence, had no reference to communist tendencies, and the Unionist Party ought later to be able to get hold of him.

4. Among the Hindus, Congress was more successful than was anticipated, the total successes being about 11. These successes were obtained almost entirely at the expense of the Nationalist Progressive Party representing urban Hindus of the Hindu Sabha school. There were several reasons for this. In the first place, here, as in other Provinces, the strength of Congress in the towns had been under-estimated. Second, Pandit Jawahar Lal Nehru's visit undoubtedly gave a great impetus to Congress. Third, and perhaps the most important, the Progressive Party was divided among themselves, and there was neither effective leadership nor organisation. On the other hand, Congress had few successes in rural constituencies, and this was particularly the case in the south-east, where the influence of Rao Bahadur Chhotu Ram and the organisation which he has been building up for years were the decisive factors. The Nationalist Progressive Party, with the addition of a few Independents, may ultimately number 20 as a maximum, but, owing to personal jealousies, it may split up into small groups.

5. Chhotu Ram's group of rural Hindus will number about 9 members, and will, of course, be staunchly Unionist. The failure of Congress in rural constituencies in the south-east, which border on the United Provinces, is very satisfactory, and shows that, for the present at any rate, the Jats, Rajputs, Ahirs and Gujars of that part of the Province prefer their own tribal leaders to Congressmen.

6. A few Sikhs were successful on the Congress ticket, and taking into account Muslims also, the Congress Party is at present about 18. The leader will probably be Dr. Gopi Chand, a private medical practitioner. He was a member of the Legislative Council some years ago, and is not so extreme as several other Congressmen in the Punjab. He is a fairly good speaker, and his presence will strengthen the Opposition.

7. The two main Parties among the Sikhs were the Khalsa National Party led by Sir Sundar Singh Majithia, and the Akali Party. The former did better than I anticipated, and, including some Independents, who will join the Party and two or three defections from the Akalis, Sir Sundar Singh is likely to have a following of nearly 20 members. The Akalis will number about 10. This is the first time for some years that moderate Sikhs have come into the open and seriously challenged the

position which the Akalis have obtained. The results are very gratifying. Some of the Sikh contests were very bitter. Sir Sundar Singh himself only got in by a small majority, and in the Lyallpur district a very popular and loyal Sikh was defeated by an extreme Akali, almost entirely because of the unscrupulous methods adopted by the latter. The Akalis are alleged to have spent money freely out of Gurdwara funds, and corruption, which I am afraid occurred on a smaller or greater scale in many constituencies, was most pronounced in the Sikh ones. The Akali group contains four or five communists of the extremist type, but the group generally is too small to do any harm. For purposes of opposition they are likely to work with Congress, but differences about the Communal Award will probably prevent a complete merging of Parties.

8. The position as created by the elections was sufficiently clear to allow me at once to invite Sir Sikander Hyat Khan to assist me in the appointment of Ministers, and he has accepted the invitation. The Ministry will almost certainly consist of three Muslims including the Chief Minister, two Hindus and one Sikh. Of the Muslims, two will be rural and one urban, and of the Hindus, one will be rural and one urban. There is not likely to be much difficulty about the urban Muslim and the rural Hindu. There are at least three prominent candidates for the Hindu urban Ministry, namely, Sir Gokul Chand Narang, existing Minister, Mr. Manohar Lal and Rai Bahadur Mukand Lal Puri. The position will be clearer within a few days. It seems probable at the moment that the Nationalist Progressive Party as a whole will agree to work with the Unionist Party, but will not formally accept the Unionist programme as a whole. Even if this does not happen, there are other groups in this Party who are likely to work with the Unionists.

The same is true of the Khalsa National Party led by Sir Sundar Singh, with this difference that his Party is likely to be much more united. The indications at present are that they also will agree to work with the Unionist Party without accepting their programme, and, if Sir Sundar Singh is willing to accept office, he seems to be marked out as the Sikh Minister. Sir Sikander Hyat Khan has, of course, not yet offered any advice in this respect. It is just possible that the Nationalist Progressive Party and the Khalsa National Party will try to impose terms in return for co-operation with the Unionist Party, which the latter are not in a position to accept, *e.g.*, regarding the Communal Award and communal distribution of posts in the services. This would create complications, but in any case I do not think Sir Sikander Hyat Khan will find much difficulty in finding a Sikh and an urban Hindu, each with some following to accept office.

The second rural Muslim Ministry is likely to cause most difficulty. In

this connection Your Excellency might refer to what I said in my first letter regarding the rivalry between the Wah Party on the one hand, and the Noon-Tiwana group on the other. The Shahpur election resulted in the victory of Nawab Allah Bakhsh by a small majority, and, as I expected, stirred up a great deal of ill-feeling. There have been constant rumours that Nawab Allah Bakhsh has been attempting to form a rival group, although he proclaimed his loyalty to Sir Sikander Hyat Khan at the Unionist meeting a week ago. The Tiwana group will certainly be disgruntled if it does not get a Ministry. In the meantime, another group is pressing its claims. This consists of a certain number of Muslim members in the south-west of the Province, namely, the Multan Division, and the chief aspirant to office is Nawab Sir Jamal Khan, Chief of the Leghari Tribe in the Dera Ghazi Khan district and adjacent tribal area. Sir Jamal Khan is a Baluch who, although he has abandoned the long hair and the picturesque dress of the Baluchis, has still considerable influence among them owing to his integrity and impartiality in dealing with them. He presides over the inter-Provincial Jirga which is held every year to settle tribal disputes between Baluchistan and the Punjab. He has a fair knowledge of English, and, although he has no marked ability, is reliable and pleasant to deal with. His group base their claim to Ministry on the broad ground that the Multan Division, which is essentially Muslim, has never had a Ministry and that the Tiwana group, which they have often supported in the past, should give way to them. The two groups may reach a compromise, and at the moment there does not seem any great danger of a split in Muslim ranks that would take away more than half a dozen Muslim members. But one can never tell, and until the Ministry is appointed, the situation will remain to some extent fluid. There are, of course, many other candidates for office, and Sikander will probably have to create a fair number of Parliamentary Secretaryships to assist in keeping his Party together. He is at present waiting for final developments, but I hope decisions will be reached within the next ten days. Sir Shahab-ud-Din will, I understand, be content with the Speakership.

9. On the whole, the prospects appear to be very favourable for a stable Government with an opposition sufficiently strong to exercise a salutary influence. But one cannot be unduly sanguine since there are several features which warn one against complacency regarding the future. There is first the question of personal ambitions and animosities, which are always liable to break out. Second, there is the danger of some unexpected communal dispute or a riot undermining the strength of a Coalition Government. Third, there is the prospect of reactions on the Punjab of developments in other Provinces. The spectacular success of Congress elsewhere must have a certain amount of influence here and, if

Constituency of Kamalzai, in each case by Congress candidates, who are nonentities. In each case, it has been insinuated, defeat has rendered unnecessary what might have been a successful election petition. Both are extremely sore over their defeat, though Nawab Sir Abdul Qaiyum has the consolation of success in his second Constituency, South Hazara.

The President of the present Legislative Council, Khan Bahadur Abdur Rahim Kundi, O.B.E., has been defeated in the Tank Constituency of Dera Ismail Khan, by a brother of the Nawab of Tank, owing presumably to the superior influence of the Nawab, with whom Abdur Rahim has old enmity. It is now rumoured that Abdur Rahim intends to take the first opportunity of standing on the Red Shirt ticket in order to return, as he hopes, to the Speakership.

Two of the most prominent Khans of the Peshawar District, Arbab Sher Ali Khan of Tahkal and Arbab Muhammad Sharif Khan (brother of the Khan of Landi) have been defeated in straight fights with Congress. They ascribe their defeat to the defection of members of their own class and clan who should have been their supporters.

Khan Bahadur Kuli Khan, O.B.E., a recently retired member of the Provincial Civil Service (who has at one time acted as a Political Agent) was defeated in Kohat by a Congress candidate. He has bitter personal enmity with Dr. Khan Sahib, who devoted special attention to the Constituency concerned.

7. As a result of the election the party position is as follows:

| | |
|---|----|
| Congress | 19 |
| Hindu-Sikh Nationalists | 7 |
| Independent Hindu (Rai Bahadur Chaman Lal of Bannu) | 1 |
| Independent Muslims (Khuda Bakhsh and Pir Bakhsh) | 2 |
| "No Party" | 21 |

Possibly, one of those labelled as "No Party", Mr. Abdur Rab Nishtar, lawyer, of Peshawar, should be labelled "Ittihad-i-Millat".

8. Those who are labelled "No Party" include the Minister, Nawab Sir Abdul Qaiyum himself. The fact that this veteran politician should himself be content at this stage to be thus described sufficiently illustrates the nature of his party tactics in the past. Anxious, whoever was successful, to exploit the success of any, he has formed no party in the true sense of the word, and has attached none, or virtually none, firmly to himself.

Already one of the few regarded as his main supporters, Khan Bahadur Sadullah Khan of Umarzai, is rumoured to be manoeuvring to secure the Chief Ministership for himself; and, intent as ever on being the Chief Minister, Sir Abdul Qaiyum is now actively engaged on the problem of so dividing the few "plums" of office as not to alienate those who do not receive them.

9. The figures show that those labelled "No Party" have only a majority of two over the Congress Party, even if they stick together as a homogeneous party. This homogeneity is at best extremely doubtful. One of their number, Mr. Zia-ud-Din, Barrister-at-Law, is already believed to be flirting with the Red Shirts,—his "price" (he himself has used the term) is said to be the Advocate-Generalship. The same doubts attach to Mr. Abdur Rab Nishtar of Peshawar City. To this must be added the fact, that the voting strength of the party (if it finally becomes one) may further be reduced by the appointment of one of their number as Speaker. The Red Shirts are believed to contemplate one or two election petitions, the final result of which may mean a change in the party strength in the House.

Dr. Khan Sahib has stated privately to a private individual that he would be willing to form a Ministry, if put in a position to do so; and it is understood that he intends to approach the Hindu-Sikh Nationalist Party.

The strength of the position of the Hindu-Sikh Nationalist Party is thus clear, provided they stick together. Here, too, there are rivalries, the main protagonists being Rai Bahadur Ishar Das of Nawanshahr (Hazara) and Rai Bahadur Mehr Chand Khanna of Peshawar. There is, so far as I know, no personal animosity between these two individuals, but, by force of circumstances, both consider themselves the proper claimants for the leadership of their party and the Ministry which must fall to the minorities. Both are good businessmen, sensible, shrewd, and practical; and both would probably make good Ministers. They have been advised to get together, to sink personalities, and to pledge themselves to abide by the majority decision of their party. The difference between them probably goes back to the pre-election period when, according to report, Sir Abdul Qaiyum had marked down Rai Bahadur Ishar Das as his colleague, and, on the other hand, Khan Bahadur Kuli Khan, in the event of his becoming Chief Minister, had promised a Ministry to Rai Bahadur Mehr Chand Khanna.

10. It is to be hoped that Nawab Sir Abdul Qaiyum will succeed in welding together a solid party or coalition with a sufficient majority, for whatever difficulties he may have in doing so the difficulties of another at this stage would probably be greater. But I fear that in the inevitable period of uncertainty prior to the arrival of my successor the fissiparous tendencies of what (for want of a better term) must at present be called the "No Party party" are likely to develop rather than the reverse. They are having a further meeting on the 27th February. The result of that meeting must have an important bearing on the final choice of my successor in his selection of a Chief Minister.

11. I hope shortly to send, as a supplement to this letter, a brief

"Who's Who" of the newly-elected Members, which I hope may be of use to Your Excellency.

12. As this is the last letter of this series which I shall write, I should like to take this opportunity, if I may, of thanking Your Excellency for all the sympathetic interest and the help Your Excellency personally has accorded me in the difficult problems attendant upon the institution of a new Constitution.

Yours sincerely,
R. GRIFFITH

80

Erskine to Linlithgow on the Central Intelligence Organisation

Erskine Papers

23 February 1937

MY DEAR LINLITHGOW,

This is in reply to your Personal and Confidential letter of the 10th February¹ regarding the Central Intelligence Organisation.

I fully agree that after the Reforms the Governor-General and the Govt. of India on the [one] hand and the Governor on the other should be in a position to receive information which need not necessarily be made available to the local Government.

The Central Intelligence Officer will presumably report to the Centre all information of importance which he receives from the Provincial C.I.D. and will keep me informed of information which is gained by his organisation. I do not however think that it is necessary to make use of him as an intermediary between me and the Provincial C.I.D. I am advised that there is no constitutional objection to the Provincial C.I.D. reporting direct to me on matters affecting the Governor's special responsibilities. They may also send copies of all such reports to the Central Intelligence Officer, if this is considered necessary in view of the Governor-General's special responsibilities,² though it is likely that

¹ See No. 57

² According to the Government of India Act 1935, the "special responsibilities" of the Governor-General authorised him to safeguard the rights and interests of members and ex-members of the public services, prevent commercial and financial discrimination against British individuals and companies and against British imports, and protect the rights of the States and princes.

some such reports would be of purely provincial importance.

It is presumably not your intention that all records which might be distasteful to Congress Ministry or dangerous in certain circumstances for such a Ministry to see should be removed from the C.I.D. office; such a removal would disorganise the workings of the Provincial C.I.D. and would throw upon the Central organisation work which in the main would be of little interest to the Central authority. I assume, therefore, that the Provincial C.I.D. will continue to receive and keep information regarding the activities of dangerous men whatever their political complexion, and that in the extreme case of the period of a Congress Ministry's term of office coinciding with secret preparations for another campaign of direct action the Provincial C.I.D. would endeavour to collect all possible information. I cannot however see any objection to the provincial C.I.D. sending to me reports which it would be inadvisable for the Ministry to see. I propose to adopt as a rough principle that all matters affecting any attempt to subvert law and order not sponsored by the party in power should be reported to the Government as well as to me; and that if any matters were reported to me alone which I considered that the Government should be aware of the Chief Secretary would be informed and would arrange for a report on the matter to be sent by the C.I.D.

Yours very sincerely,
ERSKINE

81

Stephenson to Gwynne on the Action Against an AICC Publication

Home Deptt. (Political). F.No. 4/2/37

NEW DELHI,
24 February 1937

DEAR MR. GWYNNE,

The Government of India have seen a copy of the publication entitled "The Struggle for Civil Liberties", printed at the Allahabad Law Journal Press, Allahabad and published by the Foreign Department of the All India Congress Committee. It appears to them that it might well be held

that the chapter on "Civil Liberties in India" and Jawaharlal Nehru's "Foreword" are designed to excite hatred and contempt against Government and would justify action under section 19 of the Press Act and the taking of security from the Keeper of the Allahabad Law Journal Press. I am therefore desired to ask whether the publication has been examined by the local Government from this point of view and whether it is proposed to take any action on these lines. The Government of India observe that at least one publication of this press has been forfeited under Section 99-A of the Code of Criminal Procedure 1908 by the local Government in their notification No. N. 25-P/VIII-1014 Police Department dated the 11th February 1937.

Yours sincerely,
H. S. STEPHENSON

82

Gowan to Linlithgow on Collin's Intelligence Report about Congress in C.P.

Linlithgow Papers

CAMP
26 February 1937

DEAR LORD LINLITHGOW,

Collins, our Central Intelligence Officer, came and saw me this morning and told me one or two things of which Your Excellency may be interested to hear at once:

- (i) Congress are going to accept office in the Central Provinces, but they have not yet decided whether Kharc of Nagpur or Shukla of Raipur is to be the Chief Minister. Kedar, an *ex*-minister, who defeated Nayudu, the present Minister for Industries, wants a place but will not take anything less than the full salary. One of their great fears is that Ministers may cause dissensions by refusing to accept the 500 limit.

(The truth is that the average Congressman is of very poor ability, and many of the more able men who have got in on the Congress ticket, such as Kedar, Jakatdar, Ramrao Deshmukh and Kohle, are not Congressmen at heart. On the other hand, there is a distinct possibility, as reported from Nagpur, that they may close the Ministry to all except true dyed-in-the-wool-Congressmen.)

- (ii) There are no plans at present for any attempt to make the Governor's position difficult, as was reported at one time. What they propose to do is to introduce a small popular measure to which I cannot seriously object, such as a reduction of 5 to 10 per cent in the land revenue—something that I am practically bound to let through.
- (iii) They are afraid, however, that I shall then say to them—"this means a loss of 12-24 lakhs of rupees and unbalances the budget. You must propose fresh taxation to make good the loss". In spite of their previous threats, they do not want to start with proposing to cut the pay of subordinate Government officers, because those officers have been of great assistance to them in the elections—as we suspected. Nor do they want to antagonise the wealthier classes at this stage.
- (iv) As I thought, they are terrified of Rao, whom they regard as a focus of attraction for all the unstable and potentially disaffected elements in their ranks. They are reluctant to force matters in any way to extremes at present, because they greatly dislike the idea of having to face a fresh election.
- (v) Gandhi is in favour of acceptance of office, and wants Ministers, when they come in, to spend their time in constructive work for the benefit of the masses, and not in smashing things up.

2. The above information is reassuring in certain ways, and Collins tells me that it is reliable. He also confirms the impression which I recorded in my last letter, that there is a surprising absence of rancour in the air. I have a feeling that Congress is slightly awed by the situation. Instead of forming, as it expected, a strong and clamorous minority which could spend its time in obstruction and in damning the new Constitution, it finds that it has to face up to the serious responsibilities of Government; and the prospect is slightly overpowering for the moment. The impression may be wrong, but there it is.

3. One point seems to emerge. The sooner the Business Rules with their supplementary financial checks are in force, the better. I propose to introduce them on the 1st April under my emergency powers, making it clear, of course, that they will be subject to reconsideration when the Ministers have had time to study them.

4. I shall be sending Your Excellency a full report on the elections as soon as I get back from Berar.

Yours sincerely,
HYDE GOWAN

83

*Note on Growing Student Movement in India**Congress Socialist, 27 February 1937*

The student movement is growing rapidly. There were two successful sessions of the All India Students Federation at Lucknow and Lahore.¹ The Aligarh Students recently foiled the attempts to organise students on communal lines. There was a strike of students at Aligarh. The elections have deeply stirred the students. They have been participating in thousands in the election work. This awakening has invited repression from the authorities. Orders under Section 144 and other sections of C.P.C. were used in some places prohibiting students from going near the polling booths in Fyzabad. The students defied such restrictions and the result was clashes with the authorities. There were strikes, notably in Shahjehanpur, Fyzabad and Cawnpore. But the barbarity of the authorities is seen in publicly caning a student whose crime was that he had attended a meeting addressed by Pandit Nehru. The boy subsequently committed suicide. The authorities seek to strangle the tender student awakening by repression both psychological and corporal. But the movement that is developing thru (through) such travail only gains thru it a deeper and a more abiding significance and a sense of purpose.

¹ The special session of the All-India Students' Federation was held at Lahore on the 22 November 1936, under the Presidentship of Sarat Chandra Bose. The All-India Students' Conference was held at Lucknow on 12 August 1936 under the Presidentship of M.A. Jinnah.

84

*Congress Working Committee Resolutions on Policy for Legislators,
Observance of Anti-Constitutional Day, etc. (Extract)*

*AICC File No. 42/1936**27/28 February, 1 March 1937*

I. CONGRATULATIONS TO THE NATION

The Working Committee congratulates the nation on its wonderful response to the call of the Congress during the recent elections, demonstrating the adherence of the masses to Congress policy, and their

firm determination to combat the new Constitution and end it, and by means of a Constituent Assembly to establish an independent and democratic State and remove the many burdens under which all sections of our people suffer. The Committee realises the high responsibility with which the nation has charged it, and it calls upon the Congress organisation and, in particular, the newly elected Congress members of the Legislatures to remember always this trust and responsibility, to uphold Congress ideals and principles, to be true to the faith of the people, and to labour unceasingly as soldiers of Swaraj for the freedom of the motherland and the emancipation of her suffering and exploited millions.

2. CONGRATULATIONS TO PEOPLE OF MIDNAPORE AND OTHER AREAS

The Working Committee expresses its special satisfaction at the response of the people and the voters to the call of the Congress in areas, such as the North-West Frontier Province and certain parts of Bengal where the Government has been, and is, pursuing a policy of intensive repression and preventing normal public activities by banning Congress Committees and imposing laws and rules and regulations interfering even with the day to day personal lives and business of the people. In particular, the Committee congratulates the people of Midnapore District in Bengal, who, in spite of the most extra-ordinary repression, have shown their love for freedom and confidence in the Congress policy and organisation, which is banned in their district, by electing Congress candidates by overwhelming majorities, in the case of the Central Midnapore rural constituency the majority being the stupendous record one of 64,932. This great victory of the Congress is striking proof of the utter failure of the Government's policy of repression and of keeping Bengal's young men and women in internment and detention without trial, and is evidence of the people's utter condemnation of this policy.

3. OATH OF ALLEGIANCE

As doubts have been raised regarding the propriety of taking oath of allegiance, the Working Committee wishes to declare that the taking of that oath in order to enable participation in the work of the Legislatures, in no way lessens or varies the demand for independence, and every Congress member stands by that objective and has to work to that end. The primary allegiance of all Congress-men, as well as all other Indians, is to the Indian people, and the oath of allegiance does not affect in any way this primary duty and allegiance.

4. EXTRA-PARLIAMENTARY ACTIVITIES OF CONGRESS MEMBERS OF LEGISLATURES

The Working Committee desires to remind all Congress members of the Provincial Assemblies that their sphere of activities is not confined to the legislatures but includes their constituencies. All effective work in the legislatures must have the sanction of the people behind it and, therefore, all work in the legislatures must be co-ordinated with Congress activity outside. Every Congress member must therefore keep in constant touch with the people of his constituency, and should consult them and report to them from time to time, and give such help to them as he can in their day to day struggles. He should further keep in touch with the primary and other local Congress Committees in his constituency and share the responsibility of keeping the Congress organisation in that area in efficient working condition and in touch with the masses it seeks to represent.

The Congress Parliamentary party in each province should consult the Provincial Congress Committee concerned and report to it from time to time.

5. MASS CONTACTS

In view of the great awakening of the masses during the election campaign and their interest in Congress work and desire to participate in it, the Working Committee wishes to impress upon all Provincial and local Committees the necessity of increasing the association of the masses with the Congress organisation in accordance with the directions of the Faizpur resolution. The Committees and organisations that were built up in rural areas for election purposes should be kept functioning and converted into local branches of the Congress, so that primary Committees should exist in as large number of villages as possible.

6. CONGRESS POLICY IN THE LEGISLATURES

The work of the Congress members of the Provincial Legislatures shall be governed by the following policy:

(i) The Congress has entered the legislatures not to co-operate with the new Constitution or the Government but to combat the Act and the policy underlying it, as this Act and policy are intended to tighten the hold of British Imperialism on India and to continue the exploitation of the Indian people. The Congress adheres to its general and basic policy of non-co-operation with the apparatus of British Imperialism except in so far as circumstances may require a variation.

(ii) The objective of the Congress is *purna swaraj* or complete independence and to that end all its activities are directed. The Congress stands for a genuine democratic State in India where political power has been transferred to the people as a whole and the Government is under

their effective control. Such a State can only be created by the Indian people themselves, and the Congress has therefore insisted on a Constituent Assembly, elected by adult franchise, to determine the constitution of the country. The Constituent Assembly can only come into existence when the Indian people have developed sufficient power and sanction to shape their destiny without external interference.

(iii) The immediate objective of the Congress in the legislatures is to fight the new Constitution, to resist the introduction and working of the Federal part of the Act, and to lay stress on the nation's demand for a Constituent Assembly. Congress members of the legislatures have been directed by the Faizpur Congress to take the earliest opportunity to put forward in the new Assemblies this demand for a Constituent Assembly and to support it by mass agitation outside.

(iv) Congress members of the legislatures must remember the Congress policy of not assisting or cooperating with any function or activity, calculated to enhance the power or prestige of British Imperialism in India. Ceremonial, official, or social functions of this kind must therefore be avoided and no Congress member should take part in them. In doubtful cases individual members should not take any action themselves but should refer to the Congress party in the Assembly and should abide by its decisions.

(v) No Congress members of the legislatures may accept a title given by the British Government.

(vi) The Congress party in each Provincial Assembly must act as a disciplined body, the leaders of which represent the Party in any conversations with the Government and other groups. Individual members shall have no official contacts with Government other than those resulting from their duties as members, and such as may be expressly authorised by the Party.

(vii) Members will be expected to be in their places in the Assemblies during the session and when the party is attending. There should be no absence except for leave taken and cause shown.

(viii) All Congress members of the legislatures shall be dressed in *Khadi*.

(ix) Congress parties in the Provincial Assemblies must not enter into any alliances with other groups in the Assembly without the permission of the Working Committee.

(x) Any member of the Provincial Legislatures not elected on behalf of the Congress but willing to take the Congress pledge and abide by Congress principles and discipline may be taken into the Congress party in that legislature, if the Party consider his admission desirable. But no person against whom disciplinary action has been taken by the Congress may be accepted without the permission of the Working Committee.

way conflict with the pledge. The President appears to have made an effort to keep the discussion off the question of office acceptance by pointing out that no final decision could be taken and it would be unfair to take one without considering the views of provincial committees. Informal discussion however ensued, the majority of the members favouring office acceptance. In this they were aided by the presence of Mr. Gandhi, who is said to have impressed upon the committee that, since Congress men had entered the legislatures, they must demonstrate to the masses in general and the electorate in particular, by practical experiment that the new constitution was incapable of giving them any substantial relief and that it only deserved to be wrecked and replaced by a genuinely democratic one, framed by the people's own representatives. It was urged that the demoralisation apprehended by the opponents of office acceptance could be prevented effectively by rigidly restricting the selection of candidates for offices and the conduct of Congress—legislators in general and the Ministers in particular. It was suggested that the final choice of the personnel should rest with the Working Committee on the recommendations of the provincial parties and that the Ministers selected should pledge themselves to abide by the mandate of the Working Committee on all important issues. It was also urged that during the election campaign promises of relief had been held out to the masses and it was incumbent upon Congress to secure such relief to them as might be possible without compromising its principles and then to seek popular sanction to force a deadlock. The net result of the first day's discussion was the adoption of a resolution of 14 clauses prescribing rules to regulate the conduct of Congressmen in the provincial legislatures. On the 28th, some further resolutions were passed, one of them concerning the inviting of the All-India Congress Committee members and the Congress members of the various legislatures to the proposed convention at Delhi in pursuance of the Faizpur resolution to be held on the 19th and 20th March. It is believed that Mr. Gandhi may be persuaded to be present in Delhi to guide the deliberations of the Working Committee on the 15th and 16th March and of the All-India Congress Committee and the national convention. Most of the 28th was occupied by informal discussion of the details of office acceptance or non-acceptance. The Socialist group maintained its hostile attitude. Mr. Gandhi was definitely in favour of acceptance and with a view to placate the Socialists is believed to have recommended office acceptance on the condition that Government gave an assurance that Ministers would be allowed full scope to use the constitution for the good of the people and that the safeguards and special powers would not be abused by the Governor.

86

*Zetland to Linlithgow on Internal Security Arrangement Under the New
Constitution (Extract)*

Zetland Papers

INDIA OFFICE, WHITEHALL, LONDON

1 March 1937

(PRIVATE)

Many thanks for your letters of the 11th and the 15th,¹ which reached me within 24 hours of one another. I need hardly say that I have read with immense interest the reports from the various Provinces which you sent me with your letters of the 15th. The net result of the Elections seems to be a much greater measure of success for the Congress than any of us anticipated, and it now seems to be quite clear that if the Congress really desire to make the new Constitution unworkable, they will be in a position to achieve their object in more than one Province. My own view, however, that there will be a strong feeling in favour of accepting office in the Provinces, seems to be confirmed by most of the Provincial Governors' reports. The question seems to be whether the local Congress who have been successful in the Elections will be strong enough to stand out against the desires of the party caucus at the Centre. It is a pity, perhaps, that Nehru has postponed calling his conference until a date so near the actual inauguration of the new Constitution, since the Governors will, in these circumstances, find themselves in some difficulty, I should imagine, in deciding whether to send for the leaders of the Congress in those Provinces in which the Congress has a majority without knowing what the decision of the Congress is going to be, and there will be clearly very little time for negotiations if the Governors have to postpone taking action until the end of March. My letter² to you in which I gave you the impressions left upon my mind by the reports which I had received of the Annual Meeting of the Congress in December crossed your letter to me with the reports from the Provinces, and I shall probably receive from you your appreciation of the situation arising out of the meeting of the Congress at Faizpur in the near future. Everything points to the fact that we are on the brink of a situation of great interest from a political point of view, and one also which

¹ See No. 66.

² See No. 54.

possesses potentialities of some danger. Supposing that the Congress refuse to accept office in those Provinces where they have a clear majority, there would appear to be no course open to us but to give the next strongest parties the opportunity of forming ministries if they are prepared to do so, and then in the event of failure of taking over the Government as was contemplated by the Act in the event of a breakdown of the Constitution. It would, I think, be very unfortunate if it came to this. However, there is nothing to be gained by meeting trouble half way, and we must wait and see what decision the Congress come to.

2. This brings to my mind a matter which has given me a good deal of anxious thought, namely, the best way of dealing with the internal security arrangements under the new Constitution. I much regret that I have not been able to see eye to eye with your Government on this question. I appreciate fully the reasons which led the Conference which was held with the Provincial Governments in January 1936 to their conclusions, but I cannot help thinking that they were not as conscious then as I am now of the risk of Governments coming into existence in the Provinces which were definitely anti-British. I think myself that in view of the situation with which we are now faced there would be a real risk involved in communicating the complete volume of internal security schemes to the Governments. I have discussed this matter very confidentially with various people in whose knowledge and judgment I have confidence, such as Stewart, Wheeler and Horace Williamson, and between us we have thrashed out a scheme which we are forwarding to your Defence Department by air mail on Monday, March 1st. I hope that you will give our letter your personal consideration, for I do attach a great deal of importance to it. I think the proposal to divide the volume of internal security schemes into two is sound. What are known as Parts I and II would constitute one volume which would be communicated to the Provincial Governments. It would contain no references which might suggest the existence of another volume, and would, therefore, be self-contained. On the other hand, the special emergency schemes and similar arrangements would be contained in the other volume which would be communicated to the Governors only. I have considered what would be the contents of the secret volume, and I am satisfied that they could legitimately be described as Measures of Defence as distinct from what we mean when we speak of the normal administration of Law and Order. If you agree to this division of the book, there is not really a great deal of difference between my proposals and yours. I would not prohibit a Governor in particular circumstances from discussing the schemes in the secret volume with his Ministers if he was satisfied that he could do so with advantage and without risk. Under my proposals, therefore, the special volume would remain secret unless a Governor decided that there

was advantage in informing his Ministers of the position, whereas under your proposals the special volume would normally be at the disposal of the Provincial Governments, and would only be treated as secret in particular Provinces if the Governor decided that this was desirable. Both our proposals and our reasons for making them are set out clearly, I think, in our official letter, and I will not, therefore, say more on this subject here.

87

Erskine to Linlithgow on Explanation of Election Results

Linlithgow Papers

GOVERNMENT HOUSE, MADRAS
1 March 1937

MY DEAR LINLITHGOW,

At the end of my last monthly report I stated "that in my opinion the Congress and its satellites will come very near to a clear majority, but, unless there is a complete landslide, I do not see how it is possible for them to obtain an absolute majority over all the other Parties and Groups".

That landslide has now taken place. It is much greater than even the Congress thought possible, for their private expectation was only 115 seats in the Lower House and 17 in the Legislative Council, whereas they have obtained 159 seats in the Assembly and 27 in the Upper House.

Since the elections I have seen many people of all parties and from a great many different districts in the Presidency, and from those conversations the reasons for the magnitude of the Congress victory have emerged and are in fact generally agreed upon.

As the elections proceeded it became clear that the Congress organisation was of a most efficient character. They had committees in every large village and town, whilst even in the smaller hamlets they had agents and canvassers told off to look after their interests.

The Justice Party, on the other hand, had done nothing to improve their machine, which hardly existed at all in most districts, and they were depending to a great extent simply on the personality and standing of their candidates. With the greatly enlarged and very ignorant electorate the possession of an efficient political organisation has proved to be of infinitely greater value than the personality of individuals, however eminent.

The People's Party had no organisation at all anywhere and its candidates dependent entirely on money given to them by the Maharaja of Pithapuram.

Thus in explanation of the result of the election I would give first place to the Congress political machine, indeed its efficient functioning is the main reason for the landslide that occurred.

Secondly, although, so far as I can make out, the responsible Congress leaders themselves never said anything of the sort, their agents and canvassers made all sorts of wild promises. So far did they go that many of the ryots have been left with the impression not only that there will be no more taxes after April 1st, but also that hospitals, schools, wells, roads, &c., will be improved and built in every village.

Again, the Justice Party, having held office for 15 years, were naturally unpopular for the time being, and the electorate desired a change to see if the other side could do better.

Therefore the Congress success was in my opinion due to three things, a most efficient electoral machine, wild promises and the unpopularity of their opponents.

Of course there will be a somewhat rapid reaction, for the electors will soon realise that they have been deceived by false promises, and if the Opposition is well led, they should be able to undermine the Congress position with some ease. But I very much doubt if they will shortly be presented with the chance of reversing the verdict, as the Congress leaders are well aware of the situation and, in my opinion, they will take good care to remain in Office for a considerable period if they are allowed to do so by the All-India Congress Committee.

My previous remarks apply mainly to the elections to the Assembly, but the results of the contests for the seats in the Upper House were even less expected by the Justice Party, though I myself was not so surprised. I am of opinion that the defeats that Party suffered at the hands of the Legislative Council electorate, which is a small and select body, were very largely due to the conduct of the Local Self-Government department by the Raja of Bobbili. I have warned him time after time during the past two years that his method of administration would be certain to cause a reaction against his Party at the elections, but all to no purpose, as he is an obstinate man and preferred to go his own way.

The voters for the Legislative Council are mostly of the class who run the district boards and generally take an interest in local self-government, and they have shown their resentment at Bobbili's conduct of affairs by voting against his candidates.

In fact I have now seen a good many electors of this category in Madras City, and most of them have openly told me that they voted on this occasion for the Congress nominees for two reasons; firstly because they had received private assurances from the Congress leaders that they

would be prepared to accept Office and behave reasonably, and secondly, because they wished to register their dislike at Bobbili's conduct of his department.

It may interest you to know that I had a long general conversation last week with Dr. Subbarayan, one of the Congress leaders, whom I know very well indeed. He agreed that if Congress now played the fool and refused to take Office, thereby causing an immediate dissolution, they would lose a great many seats at the ensuing election. He was of the strong opinion that, as his Party had secured so large a majority, they had no reasonable excuse whatever for refusing to take Office, and that it would be fatal for them not to shoulder responsibility for the administration of the Presidency.

In fact the great bulk of the Congress Party in Madras are desirous of accepting Office; they also wish to remain in power for a considerable period. They hope by pursuing this course to undo some of the anti-Brahmin work that the Justice Party has accomplished during the past decade, but, if they attempt anything drastic in this direction, the Brahmin *v.* non-Brahmin feud will arise inside their Party and may well destroy it. Many of them also genuinely wish to try their hand at Government and see if they cannot do something to help the ryot; in fact they are tired of ploughing the barren sands of non-co-operation. I therefore feel that if a Congress Government in this Presidency is handled tactfully, and so long as they are able to withstand dictation from the All-India Congress Committee in North India, they will probably be quite a fair Administration.

Therefore, as I shall in all probability get a Congress Government in Madras, I would like to seek your guidance as to the policy I am to pursue. I imagine that the correct line to take will be to give them as much rope as possible, but that, if any really vital question should arise leading perhaps to the beginning of a form of demoralisation in the Civil Service or the Police, a firm stand will have to be adopted at once in regard to any such proposal. I may say from what I know of Mr. Rajagopalachari I do not in the least expect that any vital cause of friction between Ministers and myself will arise, unless at the dictation of the North India Congress. Perhaps you would let me know some time if your views in this respect coincide with mine.

On the whole, therefore, I am not at all despondent. The worst result from my point of view would have been one that left the Parties fairly equally balanced. For if the Congress had failed to secure a clear majority, even by a few votes, they would have had an excuse for avoiding the responsibilities of Office. They would then have been an extremely powerful opposition and would probably have made the position of Ministers quite impossible.

89

*Nehru's Circular to Provincial Congress Committees Regarding
Formation of Ministries*

AICC File No. G-14/1937

3 March 1937

DEAR COMRADE

I enclose a copy of a circular I am issuing to the secretaries of P.C.Cs. for your information so that you might pass it on to the leader of the Congress Parliamentary Party in your province. It is quite possible that you or the leader of the Congress Parliamentary Party may be approached by representatives of the government to discuss formations of ministries or other matters relating to the legislature. You may also be approached by other groups in the legislature. It is highly desirable that the response to all such requests should be clear and definite and uniform all over India. With other groups we can form no alliances.

If a request comes from a Governor for an interview to discuss such matters, an answer should be sent pointing out that such discussions can serve little useful purpose at this stage till the A.I.C.C. has finally decided the lines of our future policy. If, however, the Governor still desires to meet you or the leader of the Parliamentary Party, you or he should see him and give him an answer on the same lines. Further, you can draw his attention to the resolution of the Working Committee recently passed which lay down the general lines of the policy which will govern us in the legislatures and outside.¹ Beyond this you cannot go at this stage.

The question of ministries is still undecided and all speculations in regard to it are premature and undesirable. There is however another question: who is going to be the president of the legislature. It is likely that our policy will be to put up a Congress member for this post and to ask the party to support him. This post is an important one involving constant contact with representatives of the government and requiring the possession of many qualities. We cannot distribute this or any other post or office as rewards to individuals, however deserving of reward they might be. We have to keep this larger view point of our cause and our freedom struggle always before us. Therefore all such matters must be considered from this larger view point. It is desirable therefore that you or our party should arrive at a final decision in such matters without reference to the

Working Committee. Whenever such questions arise, I shall expect to hear from you.

I shall be glad if you will communicate the contents of this letter to the leader of the Congress Parliamentary Party in your province."

Yours sincerely,
JAWAHARLAL NEHRU.

90

Cripps to Nehru: Congratulations on Splendid Victory in Elections

Nehru Papers

3 ELM COURT, TEMPLE, E.C.4,
3 March 1937

MY DEAR NEHRU,

It was extremely kind of you to find time to write to me so long and interesting a letter¹, which we shall publish in *The Tribune*, as it is very full of information and the spirit of victory, which our people in this country badly want at the present time.

Our unity campaign is beginning to make headway, though it is meeting with very strong opposition from the official elements in the Trade Unions and the Party. It has already been effective in stirring up a great deal of political interest and feeling, and has so far done nothing but good.

Your magnificent enthusiasm amongst the Indian people makes me jealous. I wish we could get such a movement going here, but perhaps we are too sophisticated and have too many privileges in our democracy. I should like to send you and Congress my very heartiest congratulations on the splendid victories that you have won and we shall all await with the most profound interest the decision of your Convention and the attitude you propose to take as regards the operation of the India Act.

I am certain that you will maintain the most rigid opposition to Imperialism in all its forms and also against the many Fascist methods which are being adopted in India to-day. I am afraid we can do very little to help you here, because our Party has not yet realised the implications

¹ See No. 77

of the Imperialist situation, but we are trying our best to spread knowledge and a realisation of the responsibilities of the movement in Imperial matters.

I think it is important that we should carry in *The Tribune* as much Indian news as we can, so that if from time to time you could send us a letter or short article, it would be extremely helpful, though I know how terribly busy you are.

Again every good wish.

Yours sincerely,
STAFFORD CRIPPS

91

*Viceroy to Secretary of State on Erskine's Meeting with
Rajagopalachari*

L/P.O./10/14

3 March 1937

TELEGRAM

1185. Following is text of Erskine's telegram 6C. of 3rd March referred to in my immediately succeeding telegram:

Private and personal. I have had a private and confidential interview with Mr. C. Rajagopalachari this afternoon. He has just returned from Wardha. He says that he is fairly certain that Congress will take office in the Provinces where they have majorities, but that prior to actual acceptance they are really keen on getting a public assurance that Governors will behave constitutionally. I told him I did not think it possible for any written guarantee to be given by a Governor to this effect, as what was really wanted was an agreement between both the Congress Chief Minister and the Governor that each would play the game, and that was really an attitude of mind which could not be reduced to writing. He said that, so far as Madras was concerned, he would be quite prepared to trust me if allowed to by Central Congress Committee; but that it would make it much easier for Congress as a whole to agree to office acceptance, which was really complete reversal of their former policy, if they could get a written assurance to the effect that Governors would not use the safeguards in ordinary course of Government business unless orders to do so were given them by Viceroy or Secretary of State. I said in my judgment it would be

impossible for individual Governors to give any written guarantee at all. He then suggested that it would ease situation if Viceroy were to see Gandhi and agree with him on a formula, to which I answered that that was nothing to do with me. But he evidently wished me to convey this suggestion to you, and as he is one of Gandhi's real intimates, it may well be that Gandhi himself has put him up to tell me this in order that I should pass it on to you. Indeed, he pressed me to, and I said that in ordinary course I should probably be sending you a report of this conversation. From the trend of interview, it seemed that Congress would be quite prepared to take office and work Provincial constitutions, but that they wish first to have some sort of formula in regard to safeguards that will actually mean very little, but which will save their face.

Rajagopalachari requested me to duly report again on 9th March. He leaves for Wardha on 11th March. He said that office acceptance issue would be decided by 20th March, and that if decision went the right way he could, if sent for officially on 23rd March, easily have his Government formed by 1st April. Could you let me have some guidance in regard to the question of any written guarantee before 9th March, when I shall see him again?

92

Viceroy to Secretary of State on the Question of Oral or Written Guarantee by Governors

L/P.O./10/14

4 March 1937

TELEGRAM

119 S. Private and personal. My immediately preceding telegram contains text of private and personal telegram just received from Erskine.¹

2. I have received so far no other firm indication of intentions and plans of Congress, though well-informed Press comment as to discussion of coercion, A.I.C.C. and attitude of Gandhi, &c. goes fully to support information which Erskine gives.

3. Congress is likely to be faced with difficulty in face of Provincial

¹ See No. 91

pressure for office acceptance in the Provinces in which they are in a decisive majority, and it would obviously be of the greatest value to them to be able to say, so far from office acceptance representing a climb down on their part, they had taken office only in return for a specific concession by Government. But while this, in my judgment, is likely to be an important consideration, the purpose of Gandhi's policy as revealed by Rajagopalachari's conversation with Erskine, seems to me probably at least equally to be to establish and argue the Central Congress machine as being capable under Provincial Autonomy of influencing and even controlling circumstances in every Province in which Congress is represented either in or out of office and of intending to do so. And I read *Times of India* readiness to accept central control of Viceroy and Secretary of State over Governors in this light.

4. It would, of course, be perfectly possible under section 54 in fact to control the exercise by Governors of their special powers in such areas of field as we might desire. But you will, I think, agree with me that both practically and politically it would be the greatest mistake to strike any bargain of this type with Congress.

5. It would indeed, in my view, be shortsighted in the extreme, at this stage, to try to meet Congress by anything in the way of formal undertakings, whether oral or written, on the part either of the Viceroy or of the Governors as regards extent to or manner in which special powers under section 52 should be used; and I hope that you will support me in my intention, if any direct approach is made to me (Gandhi is likely to be in Delhi later on in the month and may conceivably take steps to make such an approach and Birla is also coming to see me on 12th March) to make it abundantly clear that there is nothing doing on these lines. We have abundant proof that ultimate purpose of Nehru and Gandhi is to make for the overthrow of the Government by organisation of agrarian mischief on grand scale.

93

*Lothian to Nehru on Office Acceptance**Nehru Papers*

SEYMOUR HOUSE, 17, WATERLOO PLACE, S.W.1.

4 March 1937

DEAR MR JAWAHARLAL NEHRU,

I have been following the course of the election in India as closely as it is possible to do in this country, which at the moment is mainly pre-occupied with the international situation. I am glad that Congress has got majorities or is the largest single party in six Provinces, because, for the first time, it will put the most active and disciplined national force in India into a position of potential responsibility and power. I do, however, most earnestly hope that where it has a majority Congress would be willing to take office and assume responsibility in the Provinces. I know that you take an opposite view and that view is based not only on the safeguards for the British power in the Constitution but on the fact that at present the Central Legislature is liable to be dominated by property owners. I urge it for two reasons. The first is because there has never been a case in history where the principle of responsible government was introduced in which the majority in the Legislature was not able to take over full responsibility for Government whatever the safeguards in the Constitution were. It was the intention of Parliament that there should be full responsible government in the Provinces within the provincial field of powers. Unless the Ministry pursues a policy which antagonises the bulk of public opinion no Governor can long oppose his will to that of the representatives of the people so long as those representatives are willing to take responsibility for the consequences of the policy they wish to pursue. I believe, therefore, that over a considerable field of government Congress is now in a position to exercise full responsibility, to acquire the experience that nothing but responsibility for government can give it and that after it has proved its capacity for government, it will be in a far stronger position to discuss the federal aspects of the Constitution which are really the main bone of contention between itself and Great Britain.

The second reason is because I believe by far the most important single interest of India is to retain the organic unity it now possesses and which is embodied in the fundamental structure of the federal Constitution. When you look at the unspeakable calamities, the endless frustrations,

Investigation Department past copies of the report which may still be on record.

3. The action which I propose to take may seem to be contrary to the principles enunciated previously by the Govt. of India that Ministers, called upon to take the responsibility for dealing with subversive movements, should generally not be deprived of any assistance which was available to their predecessors. It is, however, of the utmost importance at this time to do nothing to weaken the system of Central Intelligence, or to compromise its sources, and I have already said that a special duty is owed to some of the sources of Information upon which the report is based. I intend, moreover with your consent, to issue instructions to Central Intelligence Officers to show the reports each week to the Inspector-General of Police and to the Criminal Investigation Department, if those authorities require it, and they will still be able to make use of the information without disclosing its source. It will also be open to you, in your interviews with Ministers and Secretaries to Government, to give them substance of information contained in the report or of any item of special local interest, without disclosing the source of the information. I hope that you will agree with me in the action which I propose to take. I am making a similar reference to other Governors.

Yours very sincerely,
LINLITHGOW

95

Laithwaite to Findlater Stewart on Congress Overture (Extract)

Linlithgow Papers

5 March, 1937

...The Viceroy telegraphed at length yesterday about the latest Congress overture received through Rajagopalachariar and Erskine.¹ I had a long talk this morning about the situation generally with Ewart. His general impression is that the Congress are taken aback and even chagrined by the extent of their success, that from their point of view they would probably much prefer to have been in a position in which they could have been an effective nuisance without caring for any responsibility, and that there is considerable evidence that they now

¹ See No. 91

realise that, having got in on the perfectly sound platform of improving the conditions of the under-dog and on the strength of very lavish premises, they have promised far more than they can possibly perform and that the possibility of loss of face is involved. The Central Committee is as anxious as it can be to maintain control over activities in the Provinces, but the practical difficulties of doing so are beginning to be appreciated. It appears further that the right wing in the Central Committee are very strongly opposed to Nehru's mass revolution policy; that their disposition is to take office and put forward a reasonably advanced programme for the benefit of peasants and workers; and that, on that basis provided Governors treat them reasonably; they think they can do as much as anyone to satisfy the electorate, and so cut the ground from under the feet of the revolutionaries. Nehru, I gather, and his Congress Secretaries, have been defeated in the Working Committee and Ewart seemed definitely to think that there was some room now for optimism. Further very reliable information which has been received this morning is to the effect that in the North West Frontier Province, Khan Sahib now feels certain that he has got sufficient support from other groups to take office, and that he is expecting to be asked to assist in the formation of a ministry. He has, I gather, talked rather large as to what he will do when he is in office, but we can wait and see how that works out. There is overwhelming pressure to take office and to work under the new constitution, much to Nehru's annoyance. In the United Provinces, Pant has been talking rather large about what he will do in office, but here again it remains to be seen how things will work out. In Bengal the Congress feel that they have been betrayed by the Praja Party, and see no hope there. Ewart today was inclined to think that, on the information available, the general impression was that we could look for at least a year during which there would be no real effort on the part of Congress to be hasty. He added that the latest information received goes to confirm the line taken by Rajagopalachariar with Erskine of the importance which Congress attach to securing even the slightest gesture which they could represent as a face saver, though they do not in fact expect much if anything. Ewart's own view continues to be that the line suggested by the Viceroy in his telegram of yesterday to the Secretary of States is unquestionably the right one.

96

*Linlithgow to Zetland on Suppression of Mass Movement (Extract)**Zetland Papers*

5 March 1937

...As promised in my letter of the 19th February, I have since discussed with my Home Member¹ the questions raised in paragraph 6 of your letter of the 8th February² about the effect of the Congress session at Faizpur. The results of the session were, of course, examined in the Home Department at that time and I then had before me the views of Craik on the various intelligence reports including those of Messrs. Bailey and Smith to which you refer. That of Mr. Bailey was, I understand, sent unofficially to India office, but only as giving a detailed account of the proceedings which did not necessarily commit us to any particular view of them. It was not, however, thought necessary to send you a copy of Mr. Smith's report because it obviously expressed only his personal views and was written for the D.I.B. and not for Government. While it is in every way right that a C.I.O. should feel himself free to give full expression to his personal views in correspondence with the D.I.B., I think you will agree that this very desirable practice might be handicapped if the views so expressed are liable to be taken at their face value or to give rise to discussion between yourself and me. It can always be assumed that intelligence reports received by the D.I.B. have been taken into account before weekly reports are drafted and that our considered views and policy are based on a study of all the material available, in which the reports of Local Governments or the letters which I receive personally from Governors must naturally have greater weight than the possibly unguarded opinion of the single officer, however competent he might be.

I am, of course, constantly aware that it is and has been for a long time been the settled aim of the Congress to make itself strong enough to lead a mass movement to overthrow the Constitution and to make India completely independent. As a stage in the prosecution of this aim, however, the Faizpur Congress was of far less important than the elections, which have enabled Congress to establish contact with the rural population on a very wide scale under a pretext which made it very

¹ Henry Craik

² See No. 54

difficult for us to interfere with them. It is easy, however, to exaggerate the permanent effect of such a campaign and, notwithstanding the success of the Congress in the elections of certain Provinces, I am inclined to think that they are still far from having such an organization and such a unity of purpose as would make them as formidable as they would like to be. In the meanwhile the new Constitution must be given a chance. If it can be made to work only by the device of removing leaders who have secured votes of the electors by means constitutionally open to them, it will be a confessed failure. But I think that there is at least a fair degree of probability that the attractions of constructive work will prove too strong and that the provincial outlook, which it is one of the aims of the proposed 'National Convention' to check, will make it more and more difficult for the leaders to hold their party together on a policy of more negation. And if they gain any temporary success in this direction, they will still have to reckon with the electors, who have been fed liberally on promises of benefits to come; and in the next elections, or at any rate sooner or later, they will find themselves on their defence against any party with a constructive programme. I am not, however, assuming that things will turn out this way. We cannot, of course, allow the Congress a free hand in spreading revolutionary mentality throughout the countryside, but at the moment we must wait till we know to what extent work in the provincial legislatures is able to provide a counter-attraction. There are indications, in the Press and elsewhere of a strong desire on the part of a many who have taken part in the elections to accept office and initiate constructive work, I hear, too, that among some of the prominent Congressmen who have this week returned to the Central Legislature there is to be noticed a new sense of responsibility. We may also to some extent reckon on the almost inevitable reaction to those elements of the Congress which are not in sympathy with the ultimate object of the left wing. It would, indeed be convenient if the various sections now preserving an artificial unity in the Congress ranks were to part Company and sort themselves out before action became necessary against the real revolutionaries. But whether this happens or not I have no intention of allowing the Congress to work without interference upto the stage at which it is once more able to lead a mass movement for the overthrow of the constitution and its own establishment of a parallel Government. We are already engaged in examining, in the light of past experience, the power which might be necessary to deal with a recognizable movement of such a character....

97

*Gwynne to Maxwell Regarding the Publication
"The Struggle for Civil Liberties"*

Home Department (Political)F. No./4/2/37

CIVIL SECRETARIAT, LUCKNOW
6 March 1937

Confidential

D.O. No. 132-P.

MY DEAR MAXWELL,

With reference to Stephenson's Confidential demi-official letter No. D. 1007/37-Political, dated February 24, 1937¹, I am desired to say that the publication entitled "The Struggle for Civil Liberties" issued by the Foreign Department of the All-India Congress Committee, has already come to the notice of this Government, and that the Governor in Council, after consulting his legal advisers, came to the conclusion that it is not expedient to demand security from the keeper of the Indian Law Journal Press at Allahabad.

Yours sincerely,
C.W. GWYNNE

Copy of Manifesto on Civil Liberties in India.

INDIAN CIVIL LIBERTIES UNION²

The Indian Civil Liberties Union desires to bring to the notice of lovers of freedom all over the world, the varied encroachments made from day to day on the elementary rights and liberties of the Indian people by the present irresponsible bureaucracy which rules India on behalf of British Imperialism, and considers it necessary to emphasise the fact that in the matter of civil liberty, as in other matters, there has been practically no change for the better since the introduction of so-called provincial autonomy in India on the 1st April, 1937.

¹ Sec No. 81

² The Indian Civil Liberties Union was established by Jawaharlal Nehru in August 1936 on non-party lines, with members of all shades of political opinion. One of the purposes of establishing the union was to keep in touch with the suppression of Civil Liberties in the provinces, collect facts and publish them, keep in touch with the foreign unions and get their help and sympathy. The first honorary president of the Indian Civil Liberties Union was Dr. Rabindranath Tagore.

Under the 'rusty' Regulation of 1818 and the Criminal Law Amendment Acts of Bengal, Assam, Punjab, Frontier Province and other provinces, more than 2500 citizens, including some women, are still in custody since 1930 without any trial whatsoever, Bengal alone accounting for more than 2,000. Among the above state prisoners are some citizens of French Chandernagore in Bengal who have been incarcerated by the British Government in violation of International Law.

The state of affairs in some areas in Bengal, notably in Midnapore, could be easily imagined from such measures, still in force, as curfew orders, compulsory use of identity cards by all young men, prohibition of cycling for middle-class young folks, expulsion from the district of a large number of prominent citizens, banning of 99 Congress and national organizations within Midnapore district, besides the detention without trial of no less than 100 citizens belonging to that district.

Recent cases of suicide among state prisoners in some of the detention-camps have opened the eyes of the public to the inhuman conditions prevailing therein. The public mind is also exercised over the ill-treatment of convicted political prisoners in several prisons in India and the callousness of the authorities inspite of repeated hunger-strikes resorted by the former. The reopening of the penal settlement in the unhealthy Andaman Islands in the Bay of Bengal in 1932, in the teeth of popular opposition, and the transportation of seven hundred political prisoners thereto, have given rise to anxious alarm.

The adoption of the 'Forward Policy' by the Government of India, involving a small-scale war on the North-West Frontier, is deeply resented by the Indian people, since it is bound to lead to the gradual enslavement of the hitherto independent tribes, with the help of the blood and money poured out by the down-trodden Indians without any advantage accruing to the latter.

Last but not least, attention should be drawn to the general onslaught launched against all leftist organisations and movements particularly in the Frontier Province, Punjab, U.P. and Bengal—involving the seizure of leftist literature imported from abroad, the frequent proclamation, as seditious, of such literature found or produced within the country, the imprisonment for long terms under a special legislation in Bengal of persons found in possession of such literature and the banning of several volunteer, student and youth organizations since 1932. The unrestricted and arbitrary use of Section 144 of the Cr.P.C. after the 1st April, 1937, in the strike of over two hundred thousand jute workers in Calcutta for prohibiting meetings, processions and demonstrations of workers and the exclusion of workers' leaders from the strike area even though they were members of the Legislature demonstrate very clearly that inspite of

so-called provincial autonomy, the power of the Government will continue to be used on the side of the employers and against the workers.

The Indian Civil Liberties Union earnestly hopes that while the struggle of the Indian people for their elementary rights and liberties has to be fought out by themselves—the heartfelt sympathy of enlightened and freedom-loving men and women all over the world will be with the Indian people in the difficult, uphill task which faces them.

98

Syed Mahmud on Attitude of Muslims

Star of India, 6 March 1937

Dr. Syed Mahmud answering certain criticism that have been made on his statement that the Mussalmans showed some enthusiasm for the Congress during the last election says: “the Mussalmans generally—not the upper middle classes are dying to march ahead with the army of India’s freedom. It is true that they are at present the victims of a powerful, insidious and a mysterious propaganda which have been going on for the last many years. That the Hindus, being in an overwhelming majority, will swallow them up the moment the country gets its freedom and India’s liberty, will mean their own slavery. And unfortunately this was further fanned up by the utterances of some of the Hindu Sabha leaders. But then who are these Hindu Sabha leaders? They are perhaps, the victims of a similar insidious propaganda which makes them afraid of the invasion from the north.”

He adds: “It should now be the duty of each and every right thinking Hindu, whether he be a Congressman or not, by his act and deed to counteract this propaganda.”

99

Linlithgow to Erskine on the Congress Demand for a Guarantee

Erskine Papers

7 March 1937

Telegram

[Private and Personal]

Your private and personal telegram of March 3rd No./6 C¹.

I am grateful to you for your full account of your discussions with Rajagopalachari which are of great importance as showing the difficulties of Congress and the course of policy which they would like us to adopt.

2. I have discussed the position fully with the Secretary of State by telegram and he entirely agrees with me that (apart from repercussions at home and constitutional objections to any guarantee) not only would it be the greatest mistake on our part to take any steps which will strengthen the position of the Central Congress Party machine *vis-a-vis* the provinces or will help to extricate Congress from the difficulties in which they find themselves and which are of their own creation, but that many possible difficulties are likely to follow any attempt on the part either of the Viceroy or of Governors to do so. I would be glad if you would therefore reply to Rajagopalachari as follows—that it has already been made abundantly clear in Parliament and other utterances that any Ministry in office can look for the utmost help, sympathy and support from Governors within the framework of the Act, and that you readily reaffirm these assurances so far as Madras is concerned; that it would, however, be impossible; having regard to the terms of the Act to give any oral or written guarantee such as he suggests; that you would be very glad at the same time, if that would help, to take the opportunity on some public occasion to reiterate the spirit of sympathy in which you, as Governor, are ready to work with any party which was prepared to take office and work the reforms; but that beyond that it is not possible to go.

3. No doubt you have in mind that paragraph No. 8 of the Governor's Instructions and section 54 of the Act, taken together, represent the considered view of Parliament reaffirming in the case of the Instructions by Resolutions of both Houses so recently as December last, of the relationship intended between Governors and Ministers on the

¹ See No. 91

one hand and Governors and the Governor-General and the Secretary of State on the other, and that Rajagopalachari's suggestion would obviously involve a modification of these relationships as stated in the Instructions and the section of the Act referred to.

4. Reverting to idea of a meeting between Gandhi and myself, I suggest that you should follow the same line as you adopted in your original interview with him, viz., that this is not a matter with which you have anything to do, and I would not disclose that there has been any communication regarding it between you and me.

5. You are, I know, fully alive to the importance of avoiding in any way being drawn by Rajagopalachari or going beyond the line indicated above, as it is essential that we should avoid compromising ourselves in any way and all the information at my disposal goes to show that Congress are definitely in a position of considerable awkwardness, given the strong pressure in almost every Province in which they are in a majority for office acceptance, the loss of face involved to the Central Committee acceding to this and the possible embarrassment of their inability to live up to their election promises; and that they are most anxious for any action on our part which could be interpreted as a gesture and would help at once to diminish the loss of face likely to be involved in taking office and to strengthen the position of the Central Congress Committee *vis-a-vis* the provincial Congress organisations. Our wisest policy is to sit tight and, while keeping the closest watch on all developments, to refrain from committing ourselves in any way.

6. In view of the importance of the issues involved, I am briefly informing Governors secretly of the substance of your talk with Rajagopalachari, and am repeating this telegram to them.

100

Gowan to Linlithgow on Final Picture of Election Results in CP

Linlithgow Papers

CAMP
7 March 1937

DEAR LORD LINLITHGOW,

I have now received the final reports of Deputy Commissioners about the elections, and as requested, enclose a statement giving the political propensities of all the candidates elected to the new Assembly. The final

result is, Congress 70, and others 42. The Congress majority is, however, almost as mixed a collection as the others. Besides the leaders, Khare, Shukla, &c., there are a number of men of straw, mostly "martyrs" of the non-co-operation days, and a number also of men like Kedar, Jakatdar, Kolhe and R.M. Deshmukh, who came to the fore under the present dispensation and joined the Congress merely for election purposes. How far they will reconcile their position with their known personal ambitions remains to be seen.

2. So much has been written and reported about the elections already that there is no need for me to do more than stress one or two points. The first is that, much to everybody's relief, the elections went off practically without a hitch. Oulsnam's arrangements were admirable; everybody worked splendidly, and there was no breakdown of any sort. I am having the thanks of Government conveyed to all concerned, because they really did play up. The second is the orderliness of all the proceedings. In spite of the anti-Government propaganda of Congress and its frantic efforts to enlist the support of the masses, there was practically no disorder anywhere, even in the virulent campaign which the Congress waged against Rao at Bilaspur. The following is an extract from a letter of the Commissioner, Jubbulpore:

"Another feature which all concerned noticed is that the mass of the people who voted for Congress were perfectly friendly to Government officers. There was no spirit of animosity or opposition, either open or concealed."

The only place where we had to take stern measures was Akola, where it became obvious that the speeches were going beyond permissible bounds, and prosecutions were called for. It is always a bad spot.

3. There is also no need to deal with the reasons for the Congress victory, which are by now well known. Those reasons will remain until Congress disintegrates in the Assembly, or an opposition party grows which is able to develop a proper organisation; and although Congress is evidently shying at the thought of precipitating another election, I have no confidence that the result of one would be in any way different from the last, so long as Gandhi's name is there to conjure with.

4. I do not think that there is any use at this stage trying to forecast who the Ministers are likely to be, or what course Congress is likely to pursue. As usual, there has been endless talk and nothing settled, not even the pay which Ministers will be ready to take. Dr. Khare has been elected leader of the Party. There were five aspirants to the post, and acrimonious discussions were about to commence, when everyone got frightened at the thought of squabbles starting so early, and four of the candidates withdrew. Various names have been mentioned for Ministerships, and various schemes of action have been put forward. At a

meeting of the Marathi Provincial Congress Committee on the 25th, for instance, the general sense according to our Special Branch report was that "before doing anything calculated to bring about a deadlock, the first year should be occupied in bringing about ameliorative measures, such as road communications, &c. In the next two years they should be able to reduce the land revenue by at least 20 per cent. If they should fail to do this, they would force a dissolution of the Assembly. The Ministry must be completely unadulterated. . . . The constitution is to be worked by the Congress so as to drive [sic] the maximum benefit therefrom, consistent with the Liberal School of thought (sic), only for the purpose of placating the masses and to ensure the return of the Congress in a thumping majority. They contemplated such drastic measures as would render the constitution inoperative in 1940".

But speculation as to what is going to happen is really useless until the Delhi convention has met on the 20th. Your Excellency will have seen the resolutions passed by the Working Committee at Wardha on February 27th. No 6(11) contains 11 heads of action, none of them unfamiliar.

5. One point is, I think, clear. In his circular No. 12, Nehru wrote² as follows to the Central Provinces Provincial Congress Committee:

"In the event of a leader of Congress party in a provincial Assembly being invited by the head of the Government in that Province, his reply should be that he and his colleagues are not in a position to enter into any conversation till the A.I.C.C. has issued its directions on the subject." I have no intention of inviting a rebuff, and as things are at present I shall make no move until the Delhi convention is over. I have, however, been informed privately that the local leaders would not be at all unwilling to come and discuss matters with me informally, and I am letting it be known that, if I can be assured of this, I am quite willing to ask Khare to come and talk to me any day he likes.

6. I am sorry to say that our one daily paper, the *Daily News*, is likely to pass over to Congress soon. It was started with too little capital, and on too small a scale, and has been on the point of collapsing for some time. Jamnalal Bajaj is now negotiating for its purchase, and will probably buy up the whole concern.

Yours sincerely,
HYDE GOWAN

² See No. 89

IOI

*Srivastava to Sapru on Congress Radical Land Programme**Sapru Papers*

1 BUTLER ROAD, LUCKNOW

8 March 1937

MY DEAR SIR TEJ BAHADUR,

Many thanks for your telegram of the 6th in reply to mine of the same date. In view of your inability to leave Allahabad before the 10th H.E. the Governor has suggested to H.E. the Viceroy that you may be asked to see him (the Viceroy) on the 11th or 12th. Sir Harry Haig will have left Delhi by then, but he would very much like to see you at Lucknow on your return from Lahore. If you can be here on the 14th it would be a very good thing, as we are having in Lucknow on that day a large number of taluqdars and zamindars who are coming to discuss the present political situation. I should very much like you to give them much needed guidance and stimulation. Could you very kindly make it convenient to leave Lahore in the evening of the 13th? You will of course come and stay with me. I have had a long talk with Sir Harry Haig and have given him in full your appreciation of the present and the future situation. Amongst other things I have told him the following:

(1) The programme of the Congress is positively one of communism and the ground is quite ready for its speedy propagation and growth. I told H.E. that you have definite information on this point and can talk with authority. The Congress are working out a very comprehensive village to village schemes which will ensure mass contact and the work in the legislature will form but a small part of the activities outside. These activities which will be carried on with the help of Government machinery will aim at preparing the country in the shortest time possible for a mass struggle on a colossal scale by:

- (a) fostering the revolutionary mentality among the peasantry,
- (b) winning over Government servants and more particularly the subordinate police and revenue staff,
- (c) doing away with those from whom in the past Government has derived support and strength. . . .

(4) I mentioned to H.E. that according to you, Jawaharlal is trying to pursue step by step the policy which led to Lenin's success in Russia. Congressmen will accept office and adopt the same tactics as Lenin and his followers did in Russia when they assumed responsibility for

Government prior to the revolution. H.E. would very much like to have the full name of Lenin's book to which you referred.

(5) The exact measures to be undertaken by the Congress Government are still under discussion but it is extremely unlikely that the granting of occupancy rights to tenants will be acceptable to Jawaharlal who is by nature averse to any extension of rights in property. I also referred to the scheme—regarding the adoption of a system of graduated land revenue which appears to be finding favour.

(6) The Congress are not anxious to balance the budget as they are accepting office not to work the constitution but to wreck it. They will propose drastic retrenchments in the higher Services and there is a proposal to abolish as many as 24 districts which will automatically result in greatly reducing the cadre of the I.C.S. and the I.P.S.

(7) All M.L.As. will receive a fixed salary of, say, Rs. 150 a month and the Congress M.L.As. will be expected to spend most of their time in looking after the tenantry and reporting their grievances to the headquarters. This will naturally greatly affect the position of the district authorities.

(8) About the news appearing in the papers in regard to the possibility of the Viceroy granting an interview to Mahatma Gandhi you thought that the Congressmen have been anxious for some time that Mahatma Gandhi should meet the Viceroy and extract from him some kind of a promise which they can describe as a change of heart on the part of the British Government. The effect of this on the public mind would be that the British Government anxious to cooperate with the Congress and no Governor would stand in the way of the Congress ministries carrying out any policy that they may decide upon. . . .

... There is no objection to the Congress being allowed to accept office if they will reasonably work the constitution but Governor should very carefully watch the doings of the Congress ministry and not give them a free hand to create dangerous conditions. So far as I was able to gather, these views coincide entirely with your own views and I hope you will by your advocacy be able to save us from the catastrophe which stares us in the face.

Yours sincerely,
J.P. SRIVASTAVA

102

*Zetland to Linlithgow on Governors' Reserve Powers (Extract)**Zetland Papers*

8 March 1937

... I have also read with great interest your telegram informing me of what has passed between Erskine and Rajagopalachari¹. I am full in agreement with you as to the line which we should take, and I have telegraphed to you suggesting that we should stand by the sections of the Act which define the responsibilities of the Governors and also upon paragraph 8 of the Instruments of Instructions to them. I do not know whether Gandhi is likely to seek an interview with you. It has, however, occurred to me that he may do so, and if he does I think, there would be great advantage in your making public immediately after any interview which you may grant him, our attitude towards any suggestion which he may make on the lines of that put forward by Rajagopalachari in Madras. This would knock on the head any rumours which might get about if any appreciable time elapsed between an interview with Gandhi and a statement with regard to it that negotiations were in progress between you and me in connection with any request for any modification of the provisions of the new Constitution in respect of the reserve powers vested in the Governors. I think I should make myself quite clear that there can be no question of any bargain of this kind between the Congress and ourselves. It is quite conceivable that in taking up the attitude which they have done towards the new Constitutions they may find that they have got themselves into a considerable mess, and, in view of their attitude towards us I do not see why we should do anything to help them out of it. Incidentally, it is pretty certain, I think, that the Moslems would view with great suspicion and with very grave dislike anything which tended to centralise control and, therefore, to minimise the independence of the Provinces. ...

¹ See No. 91

103

*Anderson to Linlithgow on Developments Regarding Coalition Ministry in Bengal**Linlithgow Papers*

GOVT. HOUSE, CALCUTTA

9 March 1937

MY DEAR LINLITHGOW,

I have held up my monthly report for February until I was in a position to inform you of the next definite stage. I have now issued a definite invitation to Fazlul Haq, which he has accepted, to submit proposals for the formation of Ministry.

2. The manoeuvres and counter-manoevres of the various groups and individuals during February would make an involved and not very profitable story, and I propose to record only the main developments that have led up to the present situation. I left the politicians severely alone until the situation had begun to crystallise, and then had letters sent to the Secretaries of the main parties inviting them to furnish me with information regarding the numbers and—if they had no objection—the names of those M.L.As. who were likely to accept their respective whips; a suggestion that the correspondence might properly be published was calculated to act as a check both to extravagant claims and gossip. They all answered reasonably, including the Congress, who, however preferred not to give names. I saw their various leaders to give them an opportunity of defining their attitude towards the formation of a Ministry. Sarat Bose, of the Congress, had to consult Jawaharlal before saying whether or not he could see me, and explained that though he could not define his party's attitude before the A.I.C.C. decision, he would come if I wanted to see him notwithstanding. I invited him to come, and we had a pleasant personal discussion; he was, I think, on his way to the High Court, and in a very nice suit; at any rate he did not go out of his way to change into *khaddar* for my benefit.

3. About the same time, and prompted perhaps by my enquiries from the main parties, some 22 of the Scheduled Caste M.L.A's. rapidly formed a "party" with a well-to-do landowner as "president", two "leaders" and a large number of other dignitaries. It was clearly a bargaining manoeuvre and after seeing some of the recognised party leaders I offered to see two of the Scheduled Caste members as representatives of an important minority in the Assembly; the letter was sent intentionally to the Secretary of the "party" who came himself with

one of the leaders, leaving the "president"—and for all I know the others—in the dark.

4. We are thus left with the following main parties:

The League—claiming 69, but more probably about 60.

The Praja—claiming 48 actually elected on their ticket, but not stressing the point as they have coalesced with the League, making a total of about 112, of whom some were independents.

The Congress—claiming about 60 adherents in all.

The "Nationalist"—a co-operating Hindu group claiming some 14 caste Hindus and coalescing, on terms, with the 22 Scheduled Caste members mentioned above.

The European Group—25.

It remains to explain briefly how these groups have developed and what their general attitude is likely to be.

5. The general and personal tendencies described in my previous reports have displayed themselves much as might have been expected; if there is one factor that has so far had a stronger influence than might have been imagined, it is the strength of feeling among Muslims generally that somehow or other their leaders must hold together. The moral effect upon the "independents" of the defeat by Fazlul Huq of Sir Nazimuddin was decisive, and made it clear that if there was to be a Muslim combination, Fazlul Huq must be its leader; on the other hand, neither he nor the Muslim League party were prepared to face the responsibility in the eyes of their co-religionists of throwing away the chance of a Muslim hegemony, and a coalition was brought about by their own efforts. Its practical effect was seen in the bye-election in Calcutta, when Sir Nazimuddin obtained an overwhelming majority against his rival, a retired Government officer with Congress support.

6. The coalition involves an arrangement for dividing the available Muslim Ministries and certain other offices between prominent individuals in the two parties, but the more extreme portions of Fazlul Huq's original programme have been modified. The "repeal of repressive laws and release of political prisoners and detenus" has been qualified as to be "consistent with public safety"; primary education instead of being entirely without taxation is to be "without taxation of the poor who are unable to bear the burden"—a rather ambiguous phrase; a committee of enquiry is to be appointed regarding the Permanent Settlement; nothing has been said in the joint manifesto about cutting Ministers' salaries to a ridiculous figure. Naturally the toning down of the programme and the co-operation of Fazlul Huq with the League party have provoked bitter comment from the extreme Hindu sections who had hoped that Fazlul Huq would play into their hands.

7. The coalition will have internal difficulties from individuals in its

own ranks. Farouqui, after playing his own hand till the last moment, evidently found the general pressure of Muslim opinion too strong for him and signed the League and coalition pledges, but will be constantly on the look-out for opportunities of making trouble if he is not included in the Ministry. A Nawab Musharaff Hossain, a rich and not too scrupulous businessman from North Bengal, once for a short time a Minister but of late years much in the background, has also bestirred himself to form a "North Bengal Group" within the coalition for obvious reasons. Moreover, as I have said before, Fazlul Huq is a most uncertain quantity, and whether or not Congress decide to try for office themselves at a later date, they will certainly lose no opportunity of driving wedges into the coalition. The one real unifying force is the fear of general Muslim indignation against anyone who could be publicly held up as responsible for breaking up "Muslim unity"; that will not prevent individual members from yielding in private to personal or pecuniary considerations if they feel they can do so with impunity.

8. The "Nationalist" party, a co-operating Hindu group under the leadership of Mr. J.N. Basu, a well-known Calcutta solicitor and a liberal, contains 14 caste Hindus, mostly landowners; the group of 22 Scheduled Caste members previously mentioned is prepared to work in coalition with them on "conditions not yet defined", which means a satisfactory share of the spoils.

Among the caste Hindus Sir Bejoy Prasad Singh Roy (a present Minister) and Nalini Ranjan Sarkar of the Bengal National Chamber of Commerce are prominent. Paragraphs 11, 9 and 4 respectively of my three previous reports refer to Nalini. Mr. J.N. Basu does not want office, but among other aspirants are Syama Prasad Mukherji, the Calcutta Vice-Chancellor, and a Kumar Shib Shekhaheswar Roy—both with leanings towards Congress. The former is regarded as an able and dangerous opponent, but the Muslim heartily dislike his conduct of the University; the latter has been in obscurity for some years since his short-lived and not very successful career as a Minister in 1930.

9. The main question as between the Muslim coalition and the Nationalist Party is the extent of the Hindu share in the Cabinet. Assuming a total of nine, of whom two might be "Deputy Ministers", the Muslims are standing out for a 6 to 3 ratio, on the ground of the very small numerical contribution that the co-operating Hindus will make to a Government's majority, and also because they cannot satisfy individual claims and the general Muslim hopes of a clear hegemony with less than six. The Hindus want equality in the Ministry and certainly not less than four out of nine; they themselves are in a similar difficulty as regards the claims of the Scheduled Caste group.

10. I have impressed upon Fazlul Huq my own view that the 6 to 3 ratio is based on false premises, and that if the sister community were not to start with a legitimate grievance at the outset—a grievance that would make it most difficult for co-operating Hindus of position and ability to accept office—a proper ratio would be five Muslims to four Hindus unless and until it became clear that the Hindu Ministers could not contribute their due share of support in the country. Fazlul Huq saw the point, but is in difficulty about satisfying his own community and meeting commitments on which the coalition was based.

11. The Europeans have chosen to swallow their contempt for Fazlul Huq rather than make a stable government impossible, and will support a Ministry under his leadership so long as it does not outrage their ideas or interests—but I gather that those members of the European Group who knew Fazlul Huq of old do not mince their words with him in private and he doesn't seem to mind. They do not demand any office, but would consider it their duty to accept a "nation-building" portfolio . . . avoiding Law and Order, if they were asked. Fazlul Huq may try this expedient in some form or other as a way out of the communal difficulty, but personally I think they would be making a mistake to go in at all at the present stage.

12. Sarat Bose, of the Congress, could express only his personal opinion; though personally against office acceptance he thought that if Congress decided to accept office in Provinces where they had a majority, they should be prepared to form coalitions elsewhere; though at the outset they might not be able to get other groups to join, the position might alter later. He appreciated the value of adequate Hindu representation in the Cabinet, but explained that it would not affect the attitude of Congress. My impression, though not gathered directly from him, is that he is passing through a phase of disillusionment owing to intrigues and factions in his own party, and does not contemplate Congress being permanently in the position of an opposition in Bengal.

13. I do not think there is anything more that I can usefully add at present. I have urged upon Fazlul Huq the desirability of his consulting fully with all leaders of parties, and have indicated to him that there is no need for immediate haste and that the 20th of this month would be soon enough for a decision to be reached.

Yours sincerely,
JOHN ANDERSON

104

Rajendra Prasad on Agrarian Problem in Bihar

AICC File No. P-6(1) PTI/1937

P.O. ZIRADEI, DIST. SARAN
10 March '37

MY DEAR JAWAHARLALJI,

I have received your two circular letters—one intended for the guidance of members of the Legislative Assembly which I have forwarded to Babu Sri Krishna Sinha who has been elected leader of the Assembly Party in my Province and the other dealing with leakage of Working Committee discussions. It is much to be regretted that anything should go out and it is well that you are going to discuss the matter at the next meeting of the Working Committee.

A situation has recently been developing in my Province which is not free from anxiety for us in the future and I write this to seek your advice. There is a place called Barahaya in the district of Monghyr. It is a pretty big village inhabited mostly by Bhumihars who are middle class zamindars and cultivators and quite well-to-do. During the Civil Disobedience movement of 1930–32, they were enthusiastically with the Congress and many persons courted imprisonment. The Government marked it out for special treatment and posted additional police at the cost of villagers who were made to pay anything between Rs. 80,000 and a lakh annually for three consecutive years. We have always looked upon the village as a Congress stronghold and the Government was unable to break its spirit in spite of severe repression.

The village has a peculiar geographical position. It is on the Ganges bank and a big area, covering several thousand acres, gets flooded every year. The silt that is left behind makes the land very fertile which gives a good harvest of wheat, barley, gram, etc. The prosperity of the people is very largely due to this. This vast area has very sparse population and the residents of Barahaya have big fields. It is said that some of them are aggressive landlords and have acquired big plots by squeezing out the smaller tenants. On the other hand most of these have held the lands for generations and, barring some, most of their land is ancestral. The Kisan movement has taken a turn within recent months. All these lands which are in the possession of the landlords are recorded as their *bakhast* lands. It is a technical expression in the Tenancy Act and connotes land in actual cultivation of the landlord in which a tenant can acquire occupancy right, if he remains in possession for ten years and under certain other

conditions. The practice of landlords in respect of their *bakhast* lands ordinarily is not to allow the same tenant to remain in possession of the same land for the required period and otherwise prevent his acquiring occupancy right, even if they allow tenants to cultivate their *bakhast* lands. In this area also the landlords used to settle some of their *bakhast* lands with tenants for short terms. Dispute arose some months ago between the landlords and tenants, as the latter refused to give the former their ploughs during cultivation season gratis as was the custom and perhaps also to work in the landlords' fields. The landlords refused to settle their *bakhast* lands with the tenants. The fields were somehow cultivated and the harvesting has commenced. It is reported that the tenants in large numbers go to the *bakhast* land of the landlords and cut and take away the crop, although they did not sow the crop at all. This is being done not only against the repressive landlords but without discrimination. On the side of the tenants it is claimed that they had grown the crop which they are cutting. It is doubtful to what extent the claim is true and can be substantiated. The landlords have been approaching us to help them. In the meantime the magistrate has also been approached and has sent police force to prevent loot of the crop and ordered arrests. One prominent Kisan Sabha worker who is also one of our principal workers in the area, Sjt. Karyanand Sharma, has been arrested and it is reported about 100 tenants have also been arrested. I have asked Babu Sri Krishna Sinha who is a resident of the district and fully acquainted with the situation to visit the place and deal with it. The difficulty that faces us is this. While it may be that in some cases the *bakhast* of the landlord has been acquired by selling out the tenant for arrears of rent—(We have no ejectment for arrears of rent in Bihar in the Tenancy Act and the landlord has to sue for arrears and sell the holding in execution of his decree like any other creditor only getting a first charge on the holding if he is the sole landlord)—there are also cases in which what is recorded as *bakhast* has always been in possession of the landlord for generations or has been acquired or purchased by him from another landlord in whose possession it has been for generations. No tenant has ever had anything to do with it. The loot of the crop is indiscriminate and takes place in the land of any and every landlord whether he is oppressive or otherwise and whether the land was cultivated by the tenants or not. So far as I have been able to know from the talk I had with the persons of the locality, the trouble is in an area covering about 20 miles, if not more. I have mentioned only the name of Barahaya which is most prominent but there are several other villages involved. I do not think the Kisan Sabha has instigated the tenants to loot but there is no doubt the situation is largely due to the general awakening among the kisans and the anti-zamindar feeling which

prevails. I do not think the kisans are organised enough to withstand repression which may follow and they may become demoralised. While Congressmen sympathise with the trouble of the tenants generally speaking and like to help them, they find it difficult to justify and support this loot of crop. I am informed the magistrate was also sympathetic towards the tenants but has changed his attitude after the general looting has commenced. The extent of this loot is not known and it is possible that it is exaggerated but there is no doubt that there is a general widespread movement in the locality which may spread to adjoining parts. It is in this difficult situation which is full of possibilities that I seek your advice and guidance. I am anxious that the awakening among the tenants should not be allowed to die down under the repression which is bound to come and which has commenced. I am equally anxious that the Congress organisation should not be allowed to break down as is likely if we do not intervene and bring about a settlement. A settlement is becoming more and more difficult after the intervention of the police and more and more complications are bound to arise. In law, the tenants will have no case, and are not resourceful enough even to fight it out in courts. Sri Babu¹ was telling me that if the loot stopped it was possible to arrange with the landlords to settle the lands with the tenants as used to be done before, i.e., without occupancy right and perhaps to some other concessions. But there is no one who can speak for the tenants as a body and stop the loot. Since then the police have come in and I do not know how things stand at present.

The difficulty and complexity of the situation is the excuse for this long letter which I am writing from my village. I shall be reaching Patna on the 12th and will be expecting a reply.

Your sincerely,
RAJENDRA PRASAD

NEHRU'S NOTE ON IT DATED 24/4/37.

"The letter of Rajendra Babu reached me after my return from Delhi. It has remained unanswered owing to my illness and I suppose it is out of date now and needs no answer. I have seen him since."

¹ Srikrishna Sinha.

105

*Fazlul Huq to Bengal Governor on Proposed Communal Proportion in
Bengal Ministry**R/3/2/62**11 March 1937*

YOUR EXCELLENCY,

I shall be coming at 7 P.M. as directed by Your Excellency last night, but before I do so I am submitting a short note in advance in order to let Your Excellency know how matters are progressing.

I saw some prominent members of the League Party last night and this morning and had informal discussions with them regarding the situation. As far as I could gather, the Moslem Group will not consent to more than 4 Hindu Ministers. They have assured me that they will be able to get Hindu support to this 6:4 ratio, although they admit that the 6:5 ratio would be more welcome to the Hindu Community. They told me that the 6:5 will make me far more unpopular with the Moslems than it will make me popular with the Hindus. After all, the Muslim Group will have to be main-stay of the Ministry and naturally I ought to think of those considerations which will strengthen the solidarity of the Moslem Group. Of course, if I find that the Hindus cannot be reconciled to the 6:4 ratio, I will try to persuade the Muslims to agree to the 6:5 ratio. After all, if the Hindus agree to the 6:4 ratio, I don't see why we should needlessly go out of our way to increase the size of the Cabinet to placate a section of the people who want all the advantages for themselves without coming forward to share with us the difficulties of the task before us.

Another point which I could make out from my discussions with the Muslim Groups, is about the feeling which seems to exist against any discrimination in the ranks or salaries of Ministers. The idea is that all the ten Ministers should get a salary of Rs. 2500 a month and a discrimination of any kind will be taken to put the brand of inferiority on a section of the Cabinet. There is much to be said in favour of this uniformity, but I thought that I could effect a saving by drawing a distinction between Front Rank Ministers and Junior Rank Ministers just as there exists in England. On this matter I have not yet been able to come to a final decision. I hope to be able to have the matter cleared up by a talk which I propose to have this afternoon with the Nawab Bahadur and Sir Nazimuddin.

I have been working hard to place my final suggestion in Your Excellencies [sic]—hands as soon as I can, but the issues that arise are so varied and so complicated that I hesitate to take a hasty step. I am therefore exploring all possible avenues to get as much light as possible before I come to a final decision.

I shall be coming to see Your Excellency at 7 P.M. as directed.

Your sincerely,
A.K. FAZLUL HUQ

106

Linlithgow to Zetland on Sapru's Advice Regarding Assurance (Extract)

Linlithgow Paper

THE VICEROY'S HOUSE, NEW DELHI

March 12th, 1937

[Private & Personal]

Many thanks for your letter of 1st March.¹

You will by now have my tentative draft of a Royal Message to be announced on the date of Provincial Autonomy. I am glad that you agree as to the desirability of a message, and I hope that something on the general lines which I have suggested will in your view be appropriate. I have just sent an advance copy of the King's Message to Burma, and I await the Message which he proposes to send to Aden.

5. You will be interested to learn that Tej Bahadur Sapru came and had a long talk to me yesterday. He described the political situation in the United Provinces, painting matters in a gloomy light but giving me no new information. It is clear that he dislikes the situation. I dare say that he is contemplating the ruin of his clients and the drying up of the sources from which flow his fees! I asked him if he was aware of Gandhi's oblique approach to me and he said he was. I asked him what he thought I ought to do. He said "Give them all the assurances you can of friendly co-operation, but make it clear that if they are out for revolution you mean to use the safeguards, and that Governors of Provinces will do the same". He told me that Chintamani had recently

¹. See No. 86

come to him and expressed his anxiety about the general position. Sapru told me that while the (Sapru) had (with reservations) supported the Constitution, Chintamani had been all out against it; nevertheless, it now appeared that Chintamani wanted Congress to take office. Chintamani said that the result of the elections, and the general situation, had caused him completely to change his mind, and to take a view as regards the desirability of working the Constitution contrary to that which he had held up to the time of the elections. I asked Sapru whether he himself proposed to take an active part in public life, and to give me a hand in seeing things through. He replied that he saw no chance of being elected in the Province, or of being elected by the Provincial Legislature to the Federation, and that he declined to appear in the Central Legislature as nominee of any Prince, he therefore saw no opening for service. He added, however, that if Nehru went to the Left and for Communism, he would come out strong against him. Sapru flatters himself with the idea that he is an "elder statesman", who has only to emerge from his lair to pull up Nehru and the like. But the truth is, of course, that Sapru counts for nothing; and he does not mean to do any hard work or to attract any serious criticism. That he is frightened I do not doubt, but, as usual, he proposes to leave me and my kind in this country to pull the chestnuts out of the fire. As he was about to leave me I looked him between the eyes and said "I do not fail to note, Sir, Tej, that your evaluation of the safeguards has undergone a very considerable modification since you and I sat together on the Joint Select Committee"². He gave rather sickly grin, but vouchsafed no reply.

All fortune!

² The Joint-Select Committee on Indian Constitutional Reform was set up in 1932 headed by Lord Linlithgow

107

Memorandum by the Secretary of State on the Results of the Indian Provincial Elections Circulated to the Cabinet

Cabinet Papers, No. 24/264

12 March 1937

I circulate for the information of my colleagues a table showing in detail the results of the elections in the Provinces in India.

The Congress Party have obtained an absolute majority in the

Legislative Assemblies in five provinces, namely, Bihar, the Central Provinces, Madras, Orissa and the United Provinces; while in a sixth Province, Bombay, they have won 87 out of 175 seats. In the Provinces where there is a large Muslim vote they have not been so successful, though in both Bengal and Assam they form the largest single group, while in the North-West Frontier Province they are strongly represented. The Province in which they have met with the least success is the Punjab, and it is of interest to note that the large non-Congress majority in this Province is not by any means composed entirely of Muslims. The Unionist Party in the Punjab, which won 88 seats, comprises Hindus, Sikhs, Mohammedans and Indian Christians. A number of other Hindu and Sikh seats were won by members of the moderate parties who may be expected on a number of matters to co-operate with the Unionist Party. In the elections for the six Legislative Councils, Congress did not meet with the same success as in the Assemblies, but it will be seen that in both Bombay and Madras they have won a majority of elected seats.

It is reported from all Provinces that the elections were conducted in an orderly and peaceful manner in spite of an electorate four to five times as large as formerly. The polling has taken place quietly and the Police had no difficulty in dealing with any minor disturbances which accompanied the elections. The size of the poll has in general been satisfactory. In the Central Provinces it is estimated that 50-75 per cent of the electorate voted, and in the North-West Frontier Province 72.8 per cent among males and 72.4 among females. A feature of the elections has been that women voted freely and in large numbers.

As regards the formation of Ministries, there is no difficulty in the Punjab, where Sir Sikander Hyat Khan, the leader of the Unionist Party, has been invited and has agreed to form a Government. I understand that it is contemplated that 50 per cent of the Ministerial posts will go to Muslims, while the other 50 per cent will be distributed proportionately between the various communities represented in his majority. In Bengal the different Muslim parties are prepared to unite to form a Government, and can thus command a larger following than the Congress. Mr. Fazl-ul-Huq, the leader of the Proja or Tenant Party, has undertaken to form a Government on the basis of a coalition between his party and the Muslim League. In Assam and in the North-West Frontier Province the position is still uncertain, but it is unlikely that the Congress will be called upon to form a Government in either of these Provinces.

At the present moment interest centres upon the Provinces where the Congress has a majority, and in what follows I confine myself mainly to the position of the Congress.

The Annual Meeting of the Indian National Congress held in December at Faizpur in Bombay was a considerable success from the

Congress point of view. For the time being there was a closing of the ranks, the left wing agreeing to postpone efforts to realise the fulfilment of their socialist policy until independence had been attained, and the right wing reconciling themselves to this delayed prospect of socialism for the sake of solidarity on the national issue.

The Congress Manifesto declared that the purpose of sending Congressmen to the new Legislatures would be—"not to co-operate in any way with the Act but to combat it and seek an end of it." The decision as to accepting office was postponed, but the Manifesto went on to state that, whatever the decision on this question might be, the object in view remained the same—the ending of the Act. At the same time the Manifesto pronounced a little illogically in favour of reforms of a far-reaching kind in the economic, industrial and social fields; for instance, reform of the system of land tenure and revenue and rent was promised, and an adjustment of the burdens on agricultural land, giving immediate relief to the smaller peasantry by the substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue. A further bid for the support of the masses was made with promises of a scaling down of debts and the provision of cheap credit; reduced hours of work and improved conditions of labour; old age, sickness and unemployment benefits and other reforms; the removal of all sex disabilities and the provision of maternity benefits; while various other inducements were held out to the depressed classes and political prisoners.

In the course of the election itself there is no doubt that the Congress candidates exploited to the full the vote-catching possibilities of their programme of economic and social reforms. Efforts are being made by some of the Congress propagandists to argue that the issue of rejecting the Constitution was the main point which the Congress candidates put to the electorate and that the new Congress members of the Legislatures have received a definite mandate to carry out that policy, whether by means of the acceptance of office or otherwise. But the facts point unmistakably in the other direction. For instance, *The Leader*, of Allahabad, an important Indian though non-Congress paper which has in the past been strongly critical of the new Constitution, said, "If Congress majorities are to be deliberately used to force the Governors to use their special powers in order to demonstrate that the new Constitution is a sham, it is obvious that promises were made merely for catching votes"; and it seems probable that Congress leaders will find themselves in an embarrassing position in the light of their election campaign if they reject the opportunity of taking office and bringing forward measures of reform in accordance with their programme.

In addition to the attractions of their election programme, the

Congress owes much to the fact that it is the only Hindu party which has a strong and active organisation all over the country. It is clear too that Pandit Jawaharlal Nehru, the President of the Congress for the second year in succession, makes a powerful and widespread appeal as a Hindu of outstanding personality and ability, and further that the magnetic attraction of Mahatma Gandhi influenced many votes. The Liberals, for all their ability and importance as individuals have not succeeded in organising popular support. In Madras the Justice Party has suffered from the natural reaction against their long period of office and also from a lack of personality and unanimity among their leaders. The landed proprietors have been divided by personal rivalries and jealousies and do not seem yet to have learnt that they must rely for political organisation upon their own efforts and not upon the machinery of the administration. The orthodox classes have not yet succeeded in asserting themselves in the field of politics. There is little doubt that a number of the political aspirants, realising the weakness of the other parties, adopted the Congress label as a matter of convenience rather than of conviction, and having thus got into the Legislatures it is to be expected that their influence for what it may be worth will be used against forcing the issue with the Government.

Mr. Jawaharlal Nehru has summoned a meeting of Congress representatives to take place at Delhi on the 17th March, at which the question of accepting office is to be discussed. The Congress leaders most closely associated with the caucus will undoubtedly try to secure the adoption of a uniform policy to be imposed from the Centre upon their provincial organisations. It is clear that Mr. Nehru himself is strongly opposed to the acceptance of office and wishes to concentrate the energies of the Congress upon agitation for economic revolution and political independence outside the constitutional field. He regards the acceptance of office as the antithesis of non-co-operation and does not believe in the idea of destroying the Constitution from within. But many of the Congress leaders, such as Mr. Gandhi, Mr. Rajagopalachari (Madras), Mr. Rajendra Prasad (Bihar), Mr. Desai and Mr. Patel (Bombay), Mr. Govind Pant (United Provinces), do not by any means take so extreme a view. At a recent meeting of the Working Committee at Wardha in the Central Provinces, where Mr. Gandhi has his headquarters, Mr. Nehru and his supporters seem to have been in the minority; a resolution was passed which said that the Congress adhered to its basic policy of non-co-operation with British Imperialism, except so far as the circumstances might require a variation; and instead of pronouncing definitely in favour of a policy of producing deadlocks, merely declared that deadlocks should not be avoided when they occurred while pursuing Congress policy. Mr. Rajagopalachari, the

Madras leader and the confidant of Mr. Gandhi, interpreting this resolution, said that while the Congress would not shirk deadlocks or difficulties that might arise from the safeguards provided in the Constitution, it would not create deadlocks for the sake of bringing the machinery of the Constitution to a standstill. "Acceptance of office to wreck the the Constitution is wholly incorrect and does not represent the position of Congress if it takes office."

The Governor of Madras has lately had several conversations with Mr. Rajagopalachari, who made it clear that he and his followers were ready, if not anxious, to take office, but that it would be easier for the Congress as a whole to agree to office acceptance if they could get a written assurance to the effect that Governors would not use the safeguards in the ordinary course of government business unless orders to do so were given them by the Viceroy or the Secretary of State. On my instructions, Lord Erskine has told Mr. Rajagopalachari that he could give him no such guarantee, written or oral, in regard to the use of safeguards; but that Mr. Rajagopalachari could certainly look for his help, sympathy and support if he became Chief Minister. Mr. Rajagopalachari said that Mr. Gandhi was at present insisting on some formula before advising the Congress to take office, and he was very much afraid that, if no such formula was forthcoming, it would be unlikely that Congress would take office even where they had a majority; he deplored this so far as Madras was concerned, but said that they had to consider what course was best calculated to further the objects of the Congress, taking India as a whole. It remains to be seen whether, as I am inclined to believe, this attempt to extract a guarantee as to the operation of the safeguards is a bluff. It is reported that the Congress representatives in the Madras Legislature have passed a resolution expressing the opinion that "it will further the national interests and the Congress cause in the present situation if the Party accepts office wherever it is in a clear majority." Conversations between the Provincial Governors and the Congress leaders have been taking place elsewhere, and in the Central Provinces for example, the Governor has made a statement on the subject of the use of special powers, in which he declares that the advice, energies and good offices of the Governor will always be at the disposal of Ministers, no matter to what political party they belong, provided that their object is the same as his—the good governance of the Province.

The Viceroy and I are in complete agreement in regarding the issue as one which, so far as the Government is concerned, must be settled in the Provinces, and we are opposed to anything of the nature of a negotiation at Delhi between the Government and the Congress leaders which would be designed to centralise the problem and strengthen the

authority of the Congress as an all-India body. Anything of the sort would be opposed to the conception of Provincial Autonomy embodied in the Act of 1935, and would be subversive of the position of the Provincial Governors. Apart from the constitutional aspect of the matter, central negotiations on this particular issue would create disturbances in the minds of the political leaders in Provinces where the Congress are not in a majority, especially in the Punjab, where a well-organised party under good leadership, mostly, but not entirely, Muslim, has already accepted the responsibility of forming a Government.

In the course of the conversations between Mr. Rajagopalachari and Lord Erskine the question of a meeting between Mr. Gandhi and the Viceroy was raised by the former. I have told Lord Linlithgow that if Mr. Gandhi asks for an interview I should myself see no objection to his granting it, but I have urged that if Mr. Gandhi asks for assurances on the subject of the special powers of the Governors, an announcement should be made without delay after the interview has taken place, stating the nature of the proposals and the impossibility of our giving any guarantee that would restrict or limit the responsibility imposed upon the Governors by the Act and by their Instruments of Instructions.

The dilemma is one for the Congress rather than for the Government and there is no occasion for us to help them out of their difficulties. The general line of Government policy is clear and straightforward, and if, contrary to expectation and to what we should desire, the Congress Party in any or all of the Provinces in which they have majorities refuse to accept office and no other stable Governments can be formed, the Act of 1935 makes provision for the situation which then arises.

I am reporting the situation for the information of my colleagues and there is no question of policy which I desire to raise for consideration.

ZETLAND

[illegible]

108

Reid to Linlithgow on Monthly Review of Political Situation in Assam

Linlithgow Papers

GOVT. HOUSE, SHILLONG,
12 March 1937

DEAR LORD LINLITHGOW,

This is my monthly report on the political situation in continuation of Sir Michael Keane's report of the 18th February last.¹

2. I took charge of my office, as Your Excellency is aware, on the 4th of March and spent a little time in attempting to acquaint myself with the situation generally and with those personalities who were available to me in Shillong. Eventually I decided that the right thing, and the most hopeful line, was to send for Sir Muhammad Saadulla and ask him to assist in forming a Council of Ministers. There was some doubt whether he would come at all, but I am glad to say that he responded to this request and I had my first interview with him yesterday morning. He has undertaken to do his best to form a Ministry and I very much hope that he will succeed. The general opinion is that he is in fact the only person who can fairly safely be relied on to form a stable Ministry. At present it rather looks as if he may be able to get most of the Muhammadan members of the Assembly to join forces with him; that he can rely on a group of the 20 members with no particular mutual affinities who will be led by an Assam Valley Hindu and by a Khasi Indian Christian; and lastly will have the support, conditional of course on his policy being acceptable, of the European group. Anyhow, he is going to try. I believe there is a good chance of his succeeding, though I should be foolish to be sanguine. If he fails, we shall be in a very difficult position. I shall be surprised if we are not compelled to have a Ministry of five. I know that a Ministry of five for Assam was looked upon as extravagant by the Government of India when addressing the Secretary of State on the subject not so very long ago, but this extravagance may be the price we shall have to pay for a reasonably stable Ministry. Whether we shall have to have Under Ministers or Parliamentary Under Secretaries as well I cannot yet say, but they will have to be cut down to a minimum and so will their salaries.

3. I have Your Excellency's letter of the 5th March last. I am glad that you agree that the 7th April is a suitable date for the first meeting of the

¹ See No. 70.

Provincial Legislature. We shall have to send out unofficial warnings to various members who live in remote places to the effect that a meeting is likely to be held on the date in question, but I can see no difficulty about that. The valid summonses will of course have to issue on the 1st of April. I note what Your Excellency says on the subject of the motion of confidence or of non-confidence as the case may be. This is a matter of course on which I shall have to be guided to a great extent by the views of the Ministry-to-be.

4. In conclusion may I thank Your Excellency for the kind expressions in the last paragraph of your letter of the 5th March. I need scarcely say that I shall gladly avail myself of the help and advice which you so generously put at my disposal, and I on my side shall endeavour to keep Your Excellency in touch with developments here. The various letters which have already come from Your Excellency and from your Private Secretary giving information about problems raised and difficulties experienced in other Provinces have been of great value to me.

Yours sincerely,
R.N. REID

109

Viceroy to Zetland on His Interview with Birla

L./P.O./6/99(1)

13 March 1937

TELEGRAM NO 156-S

Private and personal. My private and personal telegram No. 136-S, 8th March. ¹ I form impression from information from various sources, that reply given to Rajagopalachari by Erskine is having its effect and I am inclined to doubt now if we shall hear much more of a request by Gandhi for an interview. I have let it be known that in the event of such request being received, I would regard it as essential that immediately on termination of interview there should be a full statement to the press so as to avoid misunderstandings. As before, now that Gandhi knows that we are not likely to compromise over special powers, I think he will be most unlikely to face loss of prestige which would be involved by having asked for an interview and having failed completely and publicly to secure his object.

¹ Not printed

2. I yesterday had a long interview with Birla, an account of which I am sending by air mail of 16th March and made position clear to him on the lines agreed between us. One statement which he made to me towards the end of the interview was, I think, sufficiently significant to be worth telegraphing. Endeavouring, he said, to convey to me Gandhi's mind, he observed that latter held no official position in Congress, nor was he in active politics. Gandhi had hoped for a "gentleman's agreement" about the safeguards, but Birla now recognised difficulty of finding words to express one. He proceeded to say that Gandhi was most uneasy because all the bigger and more able Congress leaders were not in provincial Assemblies, but at the Centre. In all Congress majority provinces, with the exception of Madras, Congress was represented by small inexperienced men. These men could, no doubt, face up to their respective Governors with a formula provided for their use, but the moment there came any question of negotiation with a Governor they would be either overweak or over-rigid. Gandhi was therefore (I use Birla's own words) "most anxious that means should be found to cause venue of touch to be shifted from the provinces to the Centre, between the Viceroy and Mr. Gandhi". Birla warmly approved of this proposal and asked me to apply my mind to discovering means of implementing it. I said to Birla that I understood that this was Gandhi's view, and not merely his own. He replied that that was so. It is of interest to note that he showed not the least sign of having realised that he had let a good sized cat out of its bag.

3. To-day's papers report that Satyamurti has publicly challenged Rajagopalachari at Madras on the question of office acceptance, and has threatened to lead a party against all-India Congress Committee if that body decides against acceptance.

II O

*Shamsuddin Ahmed to Anderson on Communal Ratio Question
in the Bengal Ministry*

R/3/2/62

7, HUNGERFORD STREET, CALCUTTA
13 March 1937

MY DEAR SIR JOHN,

Yesterday I totally failed to place before Your Excellency the views of the Muslim community, on the question of 6 and 5 ratio. Quite incidentally, one of the leading gentlemen from Chittagong rang me up

this morning and I asked him his opinion on the ratio question and he unhesitatingly asked me to insist on 6 and 3. Naturally, I did not tell him what the present situation was. The 6 and 5 ratio will create a strong feeling of resentment amongst a large section of Muslims and it will be very difficult to explain to them the considerations which have weighed with Your Excellency in suggesting this ratio. We are making a desperate attempt to persuade Messrs. J.N. Basu, Nalini Ranjan Sarkar and Sir B.P. Singh Roy to agree to 6 and 4 and, by the grace of God, we may succeed.

I will, therefore, most earnestly appeal to Your Excellency to help us in this. I can assure Your Excellency that it will be extremely difficult for a 6 and 5 Ministry to last for more than a year; besides, it will place us in an awkward position.

It was not an easy task to bring about the coalition of the two parties and those responsible for it had to do a lot of spade work before-hand. Therefore, they will be placed in a very difficult position if the Ministry is formed on the basis of 6 and 5.

It now rests entirely with Your Excellency and I hope you will get Mr. J.N. Basu and his party to accept the 6 and 4 ratio. It is a well-known fact that the Muslims have been pressing for 6 and 3, whereas the Hindus have been demanding 5 and 4. 6 and 4 is a compromise, while 6 and 5 will virtually mean accepting the demand of the Hindus and a concession by the Muslim all along the line.

Yours sincerely,
SHAMSUDDIN

III

Cripps' Cable to Nehru on Victory in Elections

Nehru Papers

14 March 1937

I send you and Congress the very heartiest congratulations of myself and my friends upon your magnificent victories and your splendid success in arousing the united spirit of India against continued imperialist domination. We trust that the Indian people will not be led into any compromise over the new Constitution and that the elected representatives will use the power entrusted to them by the people to work for the establishment of freedom by refusing to partake of the empty fruits of office which can do nothing but poison the pure and free spirit of Congress. We salute you as brothers and sisters in the common cause of freedom.

II2

*Linlithgow to Erskine on the Line of Government
Action in the Event of Congress Not Accepting Office*

Erskine Papers

THE VICEROY'S HOUSE,
NEW DELHI
15 March 1937

[Personal and Confidential]

MY DEAR ERSKINE,

Many thanks for your letter of 10th March. I expect that we shall know in the next couple of days what the Congress decide in the matter of office acceptance, and I entirely agree with you as to the difficulties with which certainly in Madras and probably also elsewhere decision against acceptance is likely to confront them.

2. As for the line to be followed in the event of a decision on the part of Congress not to accept office, I have given considerable thought to what you suggest. I am in the first place myself very averse from contemplating dissolution except in the very last resort, and I would keep the present legislatures in being for as long as possible. I agree secondly as to the awkward position with which you may be confronted if there is any question of a vote of confidence at the beginning of April. What I would in the circumstances suggest (and I may say that I have put a somewhat similar suggestion to another Governor faced with a not altogether dissimilar situation) is that you should have the formal session early in April for the purpose merely of swearing in and possibly the election of the Speaker that you should then adjourn the House until July or August, by which time you would have to be thinking about supply; and in the meantime carry on with a couple of Ministers chosen from one of the minority parties or form a coalition of non-Congress elements. These Ministers would no doubt be beaten when the House met for the business of supply and the like in July or August. (The session would of course be a Budget session, but as a matter of tactics I should have thought that if they could contrive that their defeat was on a Bill the objects of which were entirely beneficent to the tenantry e.g. Occupancy Rights or something of that type, there would be definite advantage in this) but even so the merit, as I see it, of an arrangement such as I suggest is that it gives people time to settle down and to think over the situation which has resulted from the elections. In your case if as you say there is likely to be considerable feeling in the event of Congress deciding

not to accept office, it would also give time for the elements which feel that such a decision is a mistaken one, to make their weight felt. I am not quite sure that it would not be legally possible and proper to postpone the appointment of Ministers until after the formal session for the purpose of swearing in new members of the legislature, but that very important point is one of some complexity and I am going into it carefully. I will let you know as soon as I have reached a conclusion, let me say how much I agree with you in the hope that we may not be faced with the type of situation which is now under discussion between us, and that in fact Congress will decide to take office to wreck the constitution in Madras.

Yours very sincerely,
LINLITHGOW

II3

Central Government on Action on Anti-Constitution Day¹

Home Deptt. (Political) F. No. 4/6/37

16 March 1937

With reference to the Faizpur Resolution to call a *hartal* and general strike on 1st April next² as a demonstration of hostility towards the new Constitution the information available at present to the Government of India is briefly as follows. The Congress Socialist party has addressed a circular letter to all provincial socialist committees requesting them to prepare to give effect to the Faizpur Resolution by the formation of strike committees in industrial areas and schools for propaganda to make the *hartal* and strike complete and militant. The means suggested to attain this end are the closing of shops, factories, schools, local transport and municipal establishments, etc. In the villages where *hartal* is not practicable processions should be organised to converge on local Government offices and outposts. In cities, in addition to *hartal*, there should be demonstrations, including meetings and processions and the burning of effigies, while in provincial capitals processions should converge on the legislatures. Nehru has supported this programme in the All India Congress Committee circular No. 11, dated 19th February

¹ Communication to the Local Governments (except Bengal).

² See No. 2

1937, in which he states that "every co-operation must be invited and welcomed" and that Trade Unions, Merchants' Associations, Peasant Unions, Students' Associations, and like bodies should be invited to take part. While there are not as yet any general indications of attempts to interfere with public utility services, propaganda and preparations for a general strike on 1st April is now developing in several provinces, and information received suggests that schools and colleges are likely to be affected.

2. The proposed *hartal* has been much more strongly supported by the Congress Socialist Party than by the general body of Congress and is consistent with the views which the Congress Socialist Party and Nehru hold against acceptance of office, but, in spite of the fact that Congress are officially committed to demonstrate on 1st April, it cannot be said that the proposal has anything like general support from Congress as a whole. On the contrary the successes of the Congress in the elections have unquestionably produced a swing over of opinion generally in favour of office acceptance, and demonstrations of the type proposed would obviously be inconsistent with a decision to accept office. It is doubtful if the Socialist Party alone has the numbers or organisation to give effect to the *hartal* and general strike all over India, but the possibility cannot be ignored that they, with the help of extreme left elements generally may attempt to stage a *hartal*, even if the idea is not supported by the more moderate elements. So far, therefore, as the Government of India are in a position to judge the probabilities of the situation, it does not seem likely that the proposed demonstrations will arouse any very general enthusiasm except perhaps in places where labour unrest lends itself to exploitation for this purpose.

3. The Government of India recognise that general instructions cannot be framed to suit all possible eventualities, and that it is for local Governments to deal with the situation according to their own estimates of probable developments within their jurisdictions. At the same time, they would ask local Governments to consider the desirability of prohibiting processions wherever such processions seem likely to lead to a disturbance of the public tranquility, and of taking precautions in advance to see that the orders of prohibition are obeyed. Where Local Governments possess special powers of temporarily incarcerating dangerous agitators, they will doubtless consider whether these powers should be employed but the Government of India hope that having regarded to the undesirability of inaugurating the new constitution by widespread arrests, the ordinary law will provide sufficient means of control.

The Government of India will be glad to be informed in due course what precautions the Local Government propose to take.

II4

*Secretary of State to Viceroy on Summoning of Legislatures and Deferment of Ministry Formation**L/P.O./6/99(1)**17 March 1937*

TELEGRAM NO. 927

Private and personal. Your private and personal telegram dated 15th March, 160-S.¹ I feel strongly that, in view of clear requirements of s.50(1) and of Part III of the Act in general, existence of a Council of Ministers of some sort should not, if possible be deferred for more than a day or two at most beyond April 1. But, apart from this and although there is nothing in the Act to prevent Legislature being summoned to meet before Ministers are appointed, I cannot feel that, in the circumstances you postulate, it would be a wise course to summon Legislature, even if for formal business only (by which I presume you mean swearing in of members and election of President) if there were no Ministers in being to take their natural part in proposing and guiding its operations. In absence of a Government such a meeting would probably produce nothing but confusion, and it would appear impossible to ensure that Legislature in fact confined itself to formal business and abstained from carrying some motion in relation to composition of Ministry.

2. In situation you have assumed where majority party have refused to form Ministry I think the only means of avoiding immediate recourse to s.93 would be appointment forthwith of a Ministry formed, if possible, from member of minority parties, and if this is not possible from persons not elected (s.51(2)). Starting from this basis there remain, so far as the Legislature is concerned, two possible alternatives:

- (i) either to summon Legislature at earliest possible date for transaction of such business as it would naturally transact at its first meeting; or
- (ii) to defer first meeting of Legislature (which need not take place for six months—(s. 62(3)) for three or four months until need for Budget session arises.

3. If first alternative were to be adopted, I assume that, in circumstances you have postulated, Legislature would at once, by whatever form of vote, indicate its lack of confidence in Ministry. If in spite of such a

¹ Not printed

vote Governor were able to secure the co-operation of at least two persons to retain or hold office as Council of Ministers requirements of Act would be satisfied and Constitution could be carried on, after Legislature had been prorogued, for two or three months or until majority party changed its mind. I assume further that in these circumstances Governor would make it plain publicly that his Ministers were holding office merely temporarily and that they would give place to Ministry formed by majority party as soon as latter were willing to assume office.

4. There are various strong arguments which could be advanced against both courses indicated in paragraph 2 above. First alternative would give ground for attacks on Governor that his first contribution to working of responsible government was to maintain in force a puppet Ministry in flagrant disregard of a duly recorded vote of Legislature. Adoption of course (ii) would give ground for obvious criticism that Governor and his so-called Ministers were afraid to face Legislature and were acting unconstitutionally in ignoring existence of duly elected representatives of Province. It might also be alleged that the lack of support of Ministers was just as obvious as it would be if it had been recorded by vote. On the other hand it might be argued that course (ii) would at least give time for change of mind on part of majority, whereas course (i) would be much more likely to involve recourse forthwith to s. 93 since it would probably be difficult to find any two persons willing to hold office even temporarily in face of a specific adverse vote.

5. These seem to me the considerations which must guide choice of the various Governors, but their applicability would have to be judged in the light of the actual situation with which each of them is faced and which I cannot attempt here to estimate. I cannot help feeling, however, that the course you propose is likely to be the least satisfactory of any expedient available. On the other hand I fully agree that we should do everything possible to postpone use of s. 93.

6. I might add that I am advised that if any Governor found it desirable to summon Legislature with the least possible delay after 1st April he would be entitled to issue the necessary notice before 1st April under the provisions of s. 37 of the Interpretation Act, 1889.

115*Proceedings of the AICC Session on the New Constitution and
the Congress Policy**AICC File No. 42/1936*

DELHI,
17-18 March 1937

A meeting of the A.I.C.C. was held at Ansari Nagar, Delhi on March 17, 1937. It commenced its proceedings at 1.30 p.m. About 215 members representing all provinces were present. Shri Jawaharlal Nehru presided.

THE NEW CONSTITUTION AND THE CONGRESS POLICY

The Working Committee resolution on the subject was proposed by Shri Rajendra Prasad and seconded by Shri Vallabhbhai Patel.

Amendments were moved by Shris Jaiprakash Narayan, Dunichand, Sardul Singh Caveeshar, K.F. Nariman, D. Dutta Majumdar and Subramanyam.

The main amendment was by Shri Jaiprakash Narayan.

The Socialist amendment suggested the deletion of the last para of the resolution and substitution of the following: "is of opinion that the acceptance of Ministerial offices by Congressmen is inconsistent with the policy adumbrated above and would weaken the struggle for National Independence. The A.I.C.C. deprecates the idea that the Congress Ministers, can, within the framework of the Government of India Act, secure any appreciable amelioration in the condition of the exploited and the oppressed section of the people or any substantial political or economic concession for them. On the other hand the acceptance of responsibility without the transfer of any real power will make the Congress Ministers a party to repression and exploitation which is implicit in the imperialist regime and will thus discredit the Congress in the eyes of the people. The A.I.C.C. therefore decides against acceptance of Ministerial offices by Congressmen."

There was a general discussion. The meeting adjourned at 8.30 p.m., before the discussion was over.

The Committee met again the next day, March 18, 1937 at 2 p.m.

SHRI SUBHAS BABU'S RELEASE

At the commencement of the proceedings the President announced the unconditional release of Shri Subhas Chandra Bose. The news was received with enthusiastic acclamation. It was the desire of the Committee that he be invited to join in the deliberations if his health

permitted. A wire was accordingly sent. The doctors were however against Shri Subhas Babu's undertaking the journey then. He wired a message of greetings to the Committee.

The President thereafter took the Committee into confidence about the discussion on the main resolution that had gone on in the Working Committee that morning. He said it was obvious that all the details of what passes in the Working Committee cannot be placed before the Committee; yet there was no desire to follow a policy of hush. It was well known that there were various currents of thought in the Working Committee, but the effort ever had been to pull together. Experience had shown that nothing weakened our ranks more than internal squabbles. This however did not mean that any body favoured dead uniformity. It was well known that on the question of office acceptance there were differences of opinion. As a result of these differences and also due to the criticism that had been levelled against the resolution of the Working Committee, the resolution had been re-considered and some alterations made to clear points about which there was some misunderstanding in the public mind. In the last paragraph the words "as long as he and his cabinet act within the constitution, the Governor will not use his special powers of interference or set aside the advice of ministers" were to be substituted by the words, "The Governor will not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities".

The discussion then proceeded upon this amended resolution. About 30 members spoke. Shri Rajendra Prasad as the mover replied to the debate. Votes were then taken. The amendments were put to vote first. The main amendment of Shri Jaiprakash Narayan was defeated by 78 to 135 votes. All other amendments were lost by great majorities. The main resolution was then put to the vote and carried by 127 to 70 votes.

The resolution as finally passed reads thus:

The All India Congress Committee records its high appreciation of the magnificent response of the country to the call of the Congress during the recent elections and the approval by the electorate of the Congress policy and programme. The Congress entered these elections with its objective of independence and its total rejection of the New Constitution, and the demand for a Constituent Assembly to frame India's constitution. The declared Congress policy was to combat the New Act and end it. The electorate has, in overwhelming measure, set its seal on this policy and programme and the New Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been invoked by the British Government, and the people have further declared that they desire to frame their own constitution, based on national independence, through the medium of a

Constituent Assembly elected by adult franchise. This Committee therefore demands, on behalf of the people of India, that the New Constitution be withdrawn.

In the event of the British Government still persisting with the New Constitution, in defiance of the declared will of the people, the All India Congress Committee desires to impress upon all Congress members of the legislatures that their work inside and outside the legislatures must be based on the fundamental Congress policy of combatting the New Constitution and seeking to end it, a policy on the basis of which they sought the suffrage of the electorate and won their overwhelming victory in the elections. That policy must inevitably lead to dead-locks with the British Government and bring out still further the inherent antagonism between British Imperialism and Indian Nationalism, and expose the autocratic and undemocratic nature of the New Constitution.

The All India Congress Committee endorses and confirms the resolutions of the Working Committee passed at Wardha on February 27 and 28, 1937¹ on the extra-parliamentary activities of Congress members of legislatures, mass contacts, and the Congress policy in the legislatures, and calls upon all Congressmen in the legislatures and outside to work in accordance with the directions contained in them.

And on the pending question of office acceptance, and in pursuance of the policy summed up in the foregoing paragraphs, the All India Congress Committee authorises and permits the acceptance of offices in provinces where the Congress commands a majority in the legislature, provided the ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities.

¹ See No 84

II 6

Viceroy to Secretary of State on CWC Resolution for Office Acceptance

L/P.O./6/99(1)

18 March 1937

TELEGRAM 166—S P.&P.

My immediately preceding telegram. Following is text of my private and personal telegram 164-S, March 18th, to the Governors of Madras, Bombay, Bihar, Orissa and Central Provinces.

Private and personal. You will have seen resolution of the Working Committee of A.I.C.C.¹ in favour of taking office which was, I understand, carried by a very narrow majority. This is, of course, still merely a recommendation to the main committee, but it is most unlikely to be modified by them so far as can at the moment be judged, and the following is based upon the assumption that it will be accepted without amendment. There can, of course, be no question of any assurance, formal or informal, whether written or oral, by Governors as to use of their special powers, but I think you will probably agree with me that we should be ill advised not to turn this resolution which, despite its face-saving preliminary paragraphs, unquestionably represents a victory for the right wing of Congress, to advantage.

2. The significant feature is that resolution, which must in my view be taken as it stands and to mean what it says, makes no reference to assurances and clearly puts onus on Congress leader in each local legislature of deciding for himself whether or not he is satisfied and of himself making up his mind as to what justifies him in making such a declaration. (I am doing what I can to dissuade people here and at home from pressing Congress for any closer definition of meaning of formula, which pressure might play into the hands of left wing by producing a declaration that some specific assurance from a Governor would be called for). A further very important point is that resolution in terms makes leader of Congress party in legislature in each province, and no one else, the person responsible for satisfying himself.

3. You will, of course, be best judge yourself of tactics appropriate for dealing with Congress leader in the Legislature if and when you send for him or he comes to see you about office acceptance. It is no doubt possible (Congress themselves, I think, are not too happy as to political capacity of certain of their provincial representatives) that, in the course of discussion, they will clumsily advance defenceless formal request for an assurance which we are agreed cannot be given. I suggest that simplest course in that event will be to take line that you are well aware of their position and that they are equally well aware of yours, which is, that you are bound in all things to operate within Statute and your instrument of instruction; that there is nothing to be gained by either party defining more closely what those positions are, but that you can readily and at once assure them of your full help, sympathy and co-operation in the event of their taking office; and that, as they are well aware, a Governor stands apart from and outside party and is at the disposal, within the limits of the Act, of whatever party is in power. I

¹See No. 115

would anticipate that that should normally be sufficient to reassure a leader anxious to co-operate. You may think it well to take an early opportunity to make some corresponding statement if the occasion offers as regards the help, sympathetic support within the constitution and extra-party position of Governor in a public speech. I notice that the "Hindustan Times" has referred both to Hyde Gowan's speech in the Central Provinces and to my remarks at Sir M. Dadabhoy's dinner on the 15th as constituting typical reassurance which prospective first Ministers are likely to require.

4. We cannot overlook the possible adverse effect on opinion at home and on the right wing element here of suggestion or inference, however incorrect, that the taking of office in a particular province means that assurances have in fact been given by a Governor. Matter is one of some delicacy since we do not want either to create false impression or to head Congress off office acceptance. A Governor could of course, if necessary, let it be known unofficially that no question of any assurance had arisen but that he had made it clear to Congress leader that within constitution and Act he would give all possible help and co-operation to his new Ministers and you may find it possible to bring home to Congress leaders undesirability of going beyond minimum in any public statement of estimate they have formed of Governor's general outlook and probable attitude. (It is of course important scrupulously to avoid giving any ground for a claim that a Governor has been a party to an understanding between himself and local party leader in the matter of his powers). You will, no doubt, prefer to conduct your discussions with Congress leader alone but if for any reason you feel bound to agree to his being accompanied by any one else, you will, I am sure, be alive to the importance of having a witness on your side, such as Governor's secretary, present.

5. I am suggesting to other Governors affected that if a Congress leader presents a programme of legislation for acceptance preliminary to his acceptance of office, right line would be to reply that Governor has of course an entirely open mind as regards any proposals which he may receive from his Ministers and will consider them with sympathy and without bias on merits; that it would clearly be impossible to commit himself until his new Government has taken over and he receives legislative proposals of Council of Ministers as such, but that this is not to be taken as meaning that he has in any way a closed mind regarding those projects. It is relevant of course that provision for proper representation in the Cabinet envisages that minority representation shall make itself felt in terms of legislative as well as of administrative policy, though this is probably not a point you would think it expedient to take during discussions preliminary to office acceptance.

6. I would be very grateful if you would keep me in closest possible touch with any developments, and would welcome any comments you may have to make on the lines I have suggested above. I am telegraphing completely similar terms to other governors with a Congress majority.

II7

Confidential Appreciation of the Post-Election Political Situation in India for the Cabinet

Cabinet Papers No. 24/269

19 March 1937

1. The elections are now complete in all the Provinces. The arrangements for the polling worked smoothly everywhere, but placed a severe tax on the district staff. Although minor incidents occurred the polling was, on the whole, conducted with remarkable orderliness.

2. It is now possible to survey the results as a whole. In the Punjab and Sind the Congress members of the new Assemblies form a small minority, while in Bengal, Assam and the North-West Frontier Province their numbers, though larger, would be effective only in conjunction with other parties. In the remaining 6 Provinces the Congress has obtained a clear majority over all other parties, but in Bombay, so far as party grouping has yet gone, the majority is only 5 in the Lower and 2 in the Upper House. In the United Provinces, although they have a clear majority of 40 in the Assembly, the Congress could command a majority of only 4 in both Houses together. In Bihar their majority is 38 in the Assembly or 28 in both Houses; in the Central Provinces and Orissa, where there are no Upper Houses, they have majorities of 28 and 12, respectively, over all other parties; and in Madras the Congress have surprised themselves and their opponents by obtaining clear majorities of 103 and 6 in the Assembly and the Council.

3. On the whole, Congress has done better than was generally expected, although their comparative failure in Bengal was remarkable; while in Bombay, one of the strongholds of the party, a more sweeping victory would have surprised no one. In Madras the failure of the Justice Party which has long been in power, was due partly to natural reaction and partly to the greatly superior organisation of the Congress and the much larger number of canvassers they employed. The latter cause was indeed apparent generally, and it must be admitted that other parties have much to learn about the conduct of an election with the franchise

extended as now. The Congress, however, in accordance with their avowed programme of using the elections to foment unrest amongst the masses, lost no opportunity of appealing to the predatory instincts of peasants and workers, and of exploiting local grievances and prejudices, especially against the landlord class.

These methods were conspicuously successful in the United Provinces and Bihar. Elsewhere the ignorance of the voters was often exploited and they were persuaded to regard the Congress ballot box as an avenue of approach to Mr. Gandhi. Everywhere many wild promises were made that the success of Congress candidates would lead to a reduction or remission of rent, taxes, land revenue and other debts, and the effects of these dangerous expectations are already discernible in some provinces in a reluctance to pay rent and Government dues. In the United Provinces there is some apprehension that relations between landlords and tenants will suffer permanently as a result of these activities. While, however, the elections have undoubtedly had an unsettling effect in rural areas, excitement is now subsiding and life is resuming its normal course.

The formation of parties in the new Legislatures is still in a fluid state, and in provinces where Congress is in a position to accept office, not much progress can be expected until the attitude of that party towards office acceptance is definitely settled.

In Bengal and the Punjab, however, party formation has been progressing on healthy lines and in the former province, two important Muslim groups have formed a coalition which seems likely to attract the third such group and to result in the formation of a Ministry independent of Congress. Among Congress the question of office acceptance has been anxiously canvassed and the position created by the elections has resulted in a very strong inclination in its favour, notwithstanding the strong opposition of the Congress President, Jawaharlal Nehru, and the Congress Socialist Party. From a statement issued by the Congress Working Committee after a meeting at Wardha at the end of February, it appears that they are prepared to maintain a rigid central control over the work of their members in the Legislatures and the policy of their Ministers if they take office.

At the same time, their success in the elections has thrown upon them the responsibility of redeeming their pledges to the electors rather than working only for the breakdown of the constitution, which is announced as their main object in entering the Legislatures. Faced with a difficult decision, they are now mainly concerned to find a solution which would enable them to embark on constructive work without alienating their left wing supporters and they hope to achieve this by attaching conditions to their acceptance of office which will make it

appear that they are working the constitution only on their own terms.

When, therefore, they met at Delhi for the "national convention" in the middle of March the Congress Working Committee found themselves faced with a difficult task in the discovery of a formula which would enable them to meet the Right Wing demand for either conditional or unconditional office acceptance without too obviously receding from their declared attitude towards the constitution or antagonising the Left Wing, including their President.

After four days' debate, which revealed sharp differences of opinion, a resolution was adopted by which acceptance of office is authorised in provinces where Congress command a majority in the Legislature provided the leader of the party is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of his Ministers in regard to their constitutional activities. This resolution is evidently concerned to create the fiction that Congress has accepted office only on its own terms and shows some misunderstanding of the Governor's constitutional position. However, in so far as it is apparently adapted to leave the way open for office acceptance to those who are prepared to interpret it with sufficient latitude, it must be regarded as, to that extent, a definite victory for the moment for the Right Wing. At any rate, Nehru and his followers, who had hoped for an immediate deadlock, made no secret of their dissatisfaction with the result.

Their views were allowed to influence the resolution to the extent of including in it a reiteration of the determination to end the Constitution and fresh emphasis on the importance of work outside the Legislatures. But the final result cannot disguise the fundamental antagonism between the views of the two main groups composing Congress and the semblance of unity preserved on this occasion was thinner than usual. A day or two after the resolution had been passed by the All-India Congress Committee, the Working Committee announced the setting up of machinery for the central control of the Congress parties in the provincial Legislatures. The position is still uncertain and the effect of the resolution can only be tested in the light of the results of this control.

II8

*Secretary of State to Government of India on Federation**L/P.S./B/611**19 March 1937*

SECRET

1. My telegram of 2nd November, [No.] 3101, and connected correspondence. States' rights in British India.¹ Further consideration in the light of legal opinions received suggests desirability of reviewing whole question. I should explain at the outset that nothing in this telegram has any reference, except where so stated, to rights arising within the States themselves.

2. If the position in regard to States' rights after Federation had been laid down beyond question by the Act, the obvious course would have been to inform States accordingly and tell them that acceptance of this position must be regarded as one of the incidents of federation. But it appears that effect of Act cannot be stated with certainty. In your telegram dated 29th September you suggested that accession to Federation has no effect upon rights of the kind now under discussion and that they will all continue as obligations of the Crown. In my telegrams dated 17th and 19th October, I explained that advice I had received raised doubts as to the tenability of this view with the Act as it stands.

3. As the result of this correspondence, the States have been informed by your emissaries in the course of recent tours that the protection of their rights against Federal legislation or executive action will under the Act depend on the exercise by the Governor-General of his statutory discretion and special responsibility.

4. This statement (however it may have been interpreted by the States) does not, of course, provide any clear indication as to the extent to which existing rights will in fact be preserved, or as to the principles on which they will be dealt with by the Governor-General. I feel that it would not be possible, even if we wished it, to leave the matter there with the States, some of whom I observe are in any case not satisfied with the Governor-General's protection and wish to have their rights secured by the Federal Court. In any case our wish and aim must be to make the position quite clear to the States, and, if necessary, we must amend the Act to bring it into accord with our intentions.

¹ Not printed

5. Final settlement of the principles to be adopted must I think necessarily be postponed until you have collated the lists of rights claimed by the States. It is hardly possible without this information to judge the importance of the problem involved. It may well be that most of the rights now in question could be converted into cash payments made through the Crown Department where they do not already take that form; but some would remain, such as Bhavnagar's customs right, retention of which might be held to be incompatible with federation. If the position were found to be that apart from a few rights claimed by States of a definitely anti-federal character, the great majority could be converted, if necessary, into fixed money payments, and the total sum involved did not appear excessive, the whole question would be greatly simplified.

6. But if this assumption proves ill-founded following considerations arise:

- (1) Whatever doubts may be entertained as to effects of federation on "the rights of any Indian State", there would seem to be no doubt that the special powers of the Governor-General arising out of s. 12(1)(g) must obviously be so exercised as to secure protection on the same principles as in the past for the rights of a non-federated State, whether arising in the State or in British India; and this might equally be the position in relation to the rights of a federated State outside the field of subjects accepted by that State as Federal.
- (2) To whatever extent rights are to be determined by the Crown Representative and protected by the Governor-General, power to determine them should not be conferred upon the Federal Court, since otherwise decisions of Crown Representative and Federal Court as to nature and existence of a given right might be inconsistent.
- (3) Apart from this, it would be most undesirable from the point of view both of the States and of the Paramount Power to allow the Federal Court to interpret the actual texts of existing treaties or the effect of political practice with a view to determining the nature and extent of rights arising from them.
- (4) The Federal Court ought not to have power finally to determine the existence and extent of a right, unless it were thereupon open to the Federal Legislature where circumstances had so changed as to alter the basis on which the right rested, to modify or cancel it. Otherwise the "right" as determined and defined by the Federal Court might become entrenched as an immutable feature of the Constitution.

7. As already indicated, it seems clear that we cannot deal satisfactorily with the problem without some amendment of the Act. The nature of the amendments required will depend upon the results we agree to seek. There appear to be only three possible courses:

- (a) The conception of federation seems *prima facie* to imply that the contractual obligations relating to this class of rights ought, on the State's federating for a subject to which they appertain, to lose the *quasi*-international character they previously had and to assume the character of a municipal contract between a unit of the Federation and the Federation itself, and consequently to become capable of abrogation by the competent federal authority. In pursuance of this principle the Act might be amended so as to make it clear that pre-Federation obligations of the Crown relating to a matter accepted by a State as Federal become, as the result of accession in respect of that matter, obligations of the Federation. The States would thus be enabled to invoke the adjudication of the Federal Court under s. 204 (1)(a) (ii) to determine the extent and nature of any such contractual right so long as the competent federal authority had not abrogated it.

But this solution would involve the re-definition of the rights in question in a form in which the Federal Court could usefully take cognisance of them. Such a re-definition of existing written engagements or political practice would entail the settlement of numerous disputed issues before Instruments of Accession could be completed. This would be a matter of no little difficulty, but if it could be achieved, on a strict application of this principle the States and the Federation would be placed mutually in the same position in relation to past contractual obligations as they will be in relation to post-federation contractual obligations and, in particular, the States could not expect the protection of the Governor-General under his special responsibility, unless of course the Federal Government failed to give effect to a finding of the Court in favour of a State.

- (b) A second course would be to amend s. 6(2) of the Act (with a consequential amendment of s. 204(1)(a)(ii) operating in both cases on the words "make laws for the State" so as to enable the States to attach conditions to their acceptance of particular items which would have the effect of placing it beyond the power of the Federal Legislature, and therefore of the Federal Executive, to abrogate rights which they now enjoy in British India.

This plan would necessarily involve, like the first plan, a clear definition of the rights in question in the course of framing the necessary conditions in the Instrument of Accession. With the

powers of the Legislature so defined and limited, the Federal Court could then under s.204(1)(a)(i) declare *ultra vires* any legislation which exceeded this limit, with the result of stereotyping the "rights" of the State to a much greater extent under federation than has been done under the exercise of Paramountcy in the past.

- (c) The third course would be to maintain with the States the position, as stated by the Representatives, that their rights cannot be reserved in accepting an item as Federal, but that they must look to the Governor-General for their protection. This would mean that the rights would not be defined anew but would be determined in case of doubt by the Crown Representative and protected on the same principles as in the past through the Governor-General's powers which are fully adequate for the purpose.

8. If plan (c) were adopted it would be necessary to make clear to the States, if need be by an amendment of section 6(2), that an Instrument of Accession has no effect on federal jurisdiction in British India. That jurisdiction will be neither increased nor diminished; and the Governor-General's powers under s.12(1)(g) to discharge the obligations which are preserved by s.285 are in no sense prejudiced or limited by the act of accession. It would be an essential element of this plan, dependent as it is upon the powers derived from the Governor-General's special responsibility, that the jurisdiction of the Federal Court should be excluded by an amendment of s.204(1)(a)(ii).

Although on this plan it would be unnecessary to require a State formally to renounce any particular right on acceptance of a matter as federal merely because its effect would be flagrantly anti-federal, it would, of course, still be open to refuse acceptance of a State's accession to Federation on that ground. On the other hand it would be disingenuous and dangerous to omit to warn a State which proposed to federate for a subject in respect of which it claimed an anti-federal right that that right was unlikely to stand unmodified.

9. The majority of the States are evidently dissatisfied with the explanation given them by your representatives and attach great importance to placing beyond doubt the power of the Federal Court to adjudicate on their rights in respect of matters for which they have federated. On the other hand, they are strongly opposed to admitting the competence of the Federal Legislature to affect these rights. I see, however, the strongest possible objection to proceeding on any plan which would involve rights in British India acquired under Paramountcy becoming in consequence of Federation rigidly stereotyped. The fact that a State has accepted a certain matter as federal gives it no better

claim than a State which has not acceded to federation to have rights in British India adjudicated upon by the Federal Court. In other words, it seems to me as at present advised quite clear that plan (c) is the one at which we ought to aim. I recognise that a consequence of acceptance of this plan might well be to intensify the existing demand for some further reaffirmation in an embarrassing form of our existing obligations towards them. But this is a matter which concerns all States alike whether federated or non-federated.

10. I shall no doubt be receiving from you shortly some information as to the rights which the States desire to see secured in accepting items of the Federal List, and I should be glad to learn in due course your views as to the method to be adopted and in particular as regards the strength of the opposition which might be encountered among the States to the exclusion of their rights in British India from the purview of the Federal Court. I may have to address you further as regards amendments of sections 147 and 294(2) of which the need has also been suggested, in the first case in order to remove inconsistencies and in the second to make it plain that the replacement of action under the Foreign Jurisdiction Order in Council only is there in question.

II9

Linlithgow to Zetland on the Question of Assurance (Extract)

Zetland Papers

19 March 1937

... I sent you in my telegram No. 156-S of 13th March an extract from the note of my recent talk with Birla,¹ and I now send you the full record.² I do not propose to comment at any length in today's letter about the position since it is still to some extent fluid. I telegraphed on the 17th repeating to you certain suggestions with Congress majorities, and I will probably telegraph again in the immediate future in the light of such developments as there may be in relation to the Congress debate on acceptance of office. I remain entirely unshaken in my view that you are on the high ground and the position of Congress is one of considerable difficulty; and one, too, in which we are not called upon to do anything to help them out of their troubles. The balance of forces within the

¹ See No. 109

² See Appendix III

Working Committee and, indeed within the main Committee, seems to be more even than one had anticipated; but the resolution, despite its brave words in the opening paragraphs, constitutes, in my view, a definite victory for Gandhi and the right wing; and while Nehru has accepted it he has not, I understand, concealed his distaste for the compromise which it represents.

As I write, I understand that in the main Committee today certain amendments have been introduced; the first with the object of making it clear that Congress is not debarred from accepting Speakership; and the second which is more substantial in form; and, indeed, in substance, in deference to pressure from the left wing. The effect of the latter amendment, which substitutes for the words, "so long he and his Cabinet act within the Constitution" the words (a little later in the text) "in regard to their constitutional activities", is at first sight a change for the worse given the much vaguer and less positive character of the alternation; but I do not think that it makes any substantial difference to the position.

The point which has exercised me most, and which is the most delicate and difficult of those with which we are likely to have to deal, is that touched in paragraph 4 of my telegram of yesterday, viz., the handling of the situation created by the fact that it is incumbent on Congress leaders to indicate that they are satisfied that they can safely go ahead without undue apprehensions as to the manner in which Governors will use their special powers; and the fact that it would be most difficult, and indeed in my view impossible, for us to allow to pass unchallenged a positive and untruthful statement that an assurance had been given by a particular Governor in regard to use of his special powers. My general attitude on this is first, that there can be no question of any assurance; secondly, we shall be driven to contradict, however reluctantly, any positive statement made by a Congress leader that such an assurance had indeed been given; and, thirdly, that we should be very ill advised to enter into any discussions or negotiations with the Congress, as to the terms in which any announcement, as to the extent to which, or of the fact that, a particular leader is satisfied as to the attitude of a Governor, is to be couched. If we were to do so the openings for bargaining, of a type most attractive to the Mahatma's subtle mind, are obvious, and I am quite clear that we must avoid them. But everything, in my view, depends upon how sincere the desire of the Congress is for office. I would judge it myself to be a real one, but you know how much the type of politicians with which we are dealing shrinks from criticism or opposition from the extremer elements of his own party, and that is a factor to which one has to give full weight. But, more particularly if by good fortune the results of the present discussions

in the Committee were definitely to leave the full responsibility to the leader in a Provincial Legislature and to keep the Central Committee out of the picture, I have every hope that, given tactful handling on the part of Governors, we shall be able to avoid undue difficulties in rounding this awkward corner. I will not develop the subject further, for I have no doubt that we shall be corresponding by telegram about it long before this reaches you. . . .

I20

Nehru's Address to the All India Convention of Congress Legislators (Extract)

The Hindustan Times, 20 March 1937

In writing this address¹ I suffer from a disability. During the few days that will elapse between now and the meeting of the convention, the major issues before us will be decided by the All India Congress Committee. I do not know what these final decisions will be, and so, when this written message changes to the spoken word, much may have happened which might need variation or emphasis. And yet, whatever this variation might be, the Congress policy and programme are clear and fixed for us by repeated resolutions of the Congress itself and by our election manifesto. We must move within that orbit and any attempt to go out of it would be a betrayal of that policy and of the larger interests for which the Congress has stood. Those of you who have been elected to the new legislature have asked the suffrage of the people on the basis of the Congress election manifesto, and you must inevitably take your stand on this. The very greatness of your success at the polls is a striking testimony of the response of the masses to this policy and programme. Millions have testified to their faith and confidence in this, they have given it the final seal of approval of the Indian people.

The electorate was confined to a bare ten per cent of our people, but everybody knows that the lower down the scale we go, the greater is the Congress strength. The remaining ninety per cent are even more solidly for the Congress than the ten per cent who have supported us. Though our success has been overwhelming and has confounded our opponents, and swept away the representatives of the big vested interests who opposed us, it should be remembered that the whole machinery of

¹ Although the address was delivered on 19 March, it was written on 11–12 March 1937.

election was so designed as to weaken us. The pressure of an autocratic and entrenched government was exercised against us, and behind it were ranged all the reactionaries and obscurantists who always flourish under the shadow of imperialism. Yet we won in resounding manner.

Only in regard to the Muslim seats did we lack success. But our very failure on this occasion has demonstrated that success is easily in our grasp and the Muslim masses are increasingly turning to the Congress. We failed because we had long neglected working among the Muslim masses and we could not reach them in time. But where we reached, especially in the rural areas, we found almost the same response, the same anti-imperialist spirit, as in others. The communal problem, of which we hear so much, seemed to be utterly non-existent, when we talked to the peasant, whether Hindu, Muslim or Sikh. We failed also among the Muslims because of their much smaller electorate which could be easily manipulated and coerced by authority and vested interests. But I am convinced that, even so, we would have had a much larger measure of success if we had paid more attention to the Muslim masses. They have been too long neglected and misled and they deserve special consideration. I have no manner of doubt that they are turning to the Congress to seek relief from their innumerable burdens and their future cooperation is assured, provided we approach them rightly and on the basis of economic questions.

We have too long thought in terms of pacts and compromises between communal leaders and neglected the people behind them. That is a discredited policy and I trust that we shall not revert to it. And yet some people still talk of the Muslims as a group dealing with Hindus or others as a group, a medieval conception which has no place in the modern world. We deal with economic groups today and the problems of poverty and unemployment and national freedom are common for the Hindu, the Muslim, the Sikh and the Christian. As soon as we leave the top fringe, which is continually talking of percentages of seats in the legislatures and state jobs, and reach the masses, we come up against these problems. This way lies the ending of what has long been known as the communal problem.

One of the most remarkable signs of the times is the ferment among the Muslims in India, both the intelligentsia and the masses. Without any effective leadership, they have drifted aimlessly, and they resent this helpless position and feel that the communal leadership they have had has weakened them politically, in spite of trivial and superficial gains which they are supposed to have got from an imperialism which seeks to wean them away from the national movement. Muslims, young men and old, and the Muslim press, are full of this self-analysis, and the desire to get out of the communal rut and line up with the forces of

freedom and progress is strong within them. They see how the Congress has swept away Hindu communal organisations, how it has captured the imagination of the masses, and they feel a little desolate and left out. They want to share in the triumphs of today and tomorrow, and are prepared to take their share of the burdens also. And so this election and our campaign, though they resulted in the loss of Muslim seats as a rule, have been a triumph for us even in regard to the Muslims. They have gone some way to lay the ghost of communalism. It is for us now to go ahead and welcome the Muslim masses and intelligentsia in our great organisation and rid this country of communalism in every shape and form.

The elections have many lessons to teach us but the outstanding fact is this: where we went to the masses direct we won overwhelmingly. Our partial lack of success in some provinces was clearly due to the Congress organisation there being confined to the cities and having little contact with the peasantry. We must remedy these failings and speak more and more the language of the masses and fashion our policy to meet their needs. We must carry the Congress organisation to every village, the Congress message to every mud hut.

I have referred to some of our failings and some of our failures. It is well to remember these and not to allow ourselves to be swept away by success into forgetting them. We build for the future and our foundations must be well and truly laid. To win an election is a small matter for us, we are out to win the freedom of our people.

Having disposed of these failures let me refer to the success that has come to us, for it is this tremendous success, not surprising for us who know our people, but astounding and upsetting to others, that is the outstanding feature of these election. How carefully and lovingly the government had nursed the great vested interests of India, encouraged the big landlords and communalists, helped them to organise themselves to oppose us, and looked confidently for success in its evil venture! Where are they now, these pillars of imperialism in India and exploiters of the Indian people? Sunk almost without trace, overwhelmed by the sea of Indian humanity, swept away by the big broom of the masses from the political scene. Like a house of cards, they have fallen at the touch of reality; even so will others go who oppose India's freedom, and a day will come when British imperialism throttles and crushes our people no more and is a dream of the past for us.

We went to our people and spoke to them of freedom and the ending of their exploitation; we went to that forgotten creature, the Indian peasant, and remembered that his poverty was the basic problem of India; we identified ourselves with him in his suffering and talked to him of how to get rid of it through political and social freedom. We told him

of imperialism and of this new Act and constitution which bind us still further and which we were out to end and replace by *Panchayati raj*, fashioned by a constituent assembly, a grand *panchayat* of the nation, elected by all our people. We read out to him our election manifesto and explained its significance. He and his kind gathered in vast numbers to hear us and, listening to the Congress message, his sunken eyes glistened and his shrunken starved body rose up in enthusiasm and the wine of hope filled his veins. Who that saw that vision, can forget it, or that subsequent sight of thousands marching to the polling booths in disciplined array, ignoring pressure and threat, disdaining the free conveyances and free food offered to them by our opponents? It was a pilgrimage for them to give their allegiance to the Congress, to vote for the ending of the new constitution, for the establishment of *Panchayati raj* when they would themselves have power to liquidate the poverty that consumed them.

That is the significance of this election. If there is any meaning in democracy, if this complicated and expensive apparatus of elections and voting has any sense behind it and is not an impertinent farce, then the Indian people have spoken so that even the deaf might hear, and proclaimed that they will not have this constitution. They have given notice to British imperialism to quit. This constitution must therefore go, lock, stock and barrel, and leave the field clear for our constituent assembly.

We talk of and discuss our policy in the legislatures, but all this is vain and profitless paying before the fundamental and dominant fact of the situation that this constitution must go. So the people of India have decided and we shall be false and unfaithful representatives of our people if we allow ourselves to forget this fact contrary to that emphatic direction.

I know that there are elements among us who are too fond of slurring over these fundamentals, who look longingly to office, and who have even compromised the dignity of our great cause and of the Congress by discussing the personnel of ministries long before the question of acceptance or non-acceptance of ministerial office has been decided by the All India Congress Committee. Whatever their views may be on this issue, whatever the decision of the A.I.C.C. might be, I would have them remember, now and for the future, that no Congressman worthy of his name, no Congress member of a legislature, can act except with the dignity and discipline that our cause and organisation demand. I would have them remember the election manifesto and the Congress resolutions on the basis of which they sought the suffrage of the people. Let no one forget that we have entered the legislatures not to cooperate in any way with British imperialism but to fight and end this Act which enslaves and binds us. Let no one forget that we fight for independence.

What is this independence? A clear definite, ringing word, which all the world understands, with no possibility of ambiguity. And yet, to our misfortune, even that word has become an object of interpretation and misinterpretation. Let us be clear about it. Independence means national freedom in the fullest sense of the word, it means, as our pledge has stated, a severance of the British connection. It means anti-imperialism and no compromise with empire. Words are hurled at us: Dominion Status, Statue of Westminster², British Commonwealth of Nations, and we quibble about their meaning. I see no real commonwealth anywhere, only an empire exploiting the Indian people and numerous other peoples in different parts of the world. I want my country to have nothing to do with this enormous engine of exploitation in Asia and Africa. If this engine goes, we have nothing but goodwill for England, and in any event we wish to be friends with the mass of the British people.

Dominion Status is a term which arose under peculiar circumstances and it changed its significance as time passed. In the British group of nations, it signified a certain European dominating group exploiting numerous subject peoples. That distinction continues whatever change the Statute of Westminster might have brought about in the relations *inter se* of the members of that European dominating group.

That group represents British imperialism and it stands in the world today for the very order and forces of reaction against which we struggle. How then can we associate ourselves willingly with this order and these forces? Or is it conceived that we might, in the course of time and if we behave ourselves, be promoted from the subject group to the dominating group, and yet the imperialist structure and basis of the whole will remain more or less as it is? This is a vain conception, have no relation to reality, and even if it were within the realms of possibility, we should have none of it, for we would then become partners in imperialism and in the exploitation of others. And among these others would probably be large numbers of our own people.

It is said, and I believe Gandhiji holds this view, that if we achieved national freedom, this would mean the end of British imperialism in India, and a necessary result of this would be the winding up of British imperialism itself. Under such conditions there is no reason why we should not continue our connection with Britain. There is force in the argument for our quarrel is not with Britain or the British people, but with British imperialism. But when we think in these terms, a larger and a different world comes into our ken, and Dominion Status and the

² The Statute of Westminster of 1931 declares that the "dominions are autonomous communities within the British Empire, equal in status, in no way subordinate to one another in their domestic or external affairs though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations."

Statute of Westminster pass away from the present to the historical past. That larger world does not think of a British group of nations, but of a world group based on political and social freedom.

To talk, therefore, of Dominion status, in its widest significance, even including the right to separate, is to confine ourselves to one group, which of necessity will oppose and be opposed by other groups, and which will essentially be based on the present decaying social order. Therefore we cannot entertain this idea of Dominion Status in any shape or form, it is independence we want, not any particular status. Under cover of that phrase, the tentacles of imperialism will creep up and hold us in their grip, though the outer structure might be good to look at.

And so our pledge must hold and we must labour for the severance of the British connection. But let us repeat again that we favour no policy of isolation or aggressive nationalism, as the word is understood in the central European countries today. We shall have the closest of contacts, we hope, with all progressive countries, including England, if she has shed her imperialism.

But all this discussion about Dominion Status is academic talk. It is many years now since India put that idea by and there can be no reversion to it. Today, with the whole world in the cauldron of change and disaster threatening it, this lawyers' jargon seems strangely out of place. What counts today for us is to break and end this constitution. What counts for the world is Spain and British rearmament⁴ and the French armament loan⁵, and the frantic and terrific race to be ready for war before this catastrophe comes to overwhelm civilisation. When will this come, suddenly and unannounced, and make a wreck of the modern world? That is the question for you and all of us, for on our answer and on our ability to cope with this crisis will depend the future of the Indian people. We have bigger decisions to take, graver choices before us, than those of lawyers' making.

Those decisions and that action require strength and perseverance and a disciplined nation. They require the masses in intelligent and organised movement for mass ideals and mass welfare. They demand that joint front of anti-imperialist forces of which we have heard so much, and of which our National Congress is the living embodiment. It is not by mere votes in the legislatures, or petty reforms, or even artificial deadlocks, that freedom will come, but by the mobilisation of mass strength, and the coordination of our struggle in the legislatures with our struggle outside. For, essentially, we aim at the conquest of power for

⁴ In a White Paper issued on 16 February 1937, Britain announced a five year plan of rearmament of its army, navy and air force at an estimated average expenditure of \$3000,000,000 a year.

⁵ France undertook to guarantee a Polish Loan, chiefly for rearmament, of approximately 2,600 million francs.

the Indian people to shape their destiny, and that power will only come through our own strength and will to achieve.

This is why the Working Committee has laid stress again on the extra-parliamentary activities of the Congress members of the legislatures and on mass contacts. Our overwhelming success in the elections will be wasted if we do not keep up our intimate contacts with the masses.

With this background of principles and Congress policy we have to consider the narrower issue of what we are to do inside the legislatures. This narrow issue, and especially the question of acceptance or non-acceptance of ministerial office, has given rise to much controversy, and has often been considered divorced from the more fundamental factors of the situation. If we remember these factors, and the Congress and the Working Committee have stressed them again and again, the issue becomes narrowed down still further. Indeed it hardly arises, except indirectly, for, as I have already stated, the outstanding fact of the elections is that the people of this country have given their verdict clearly, unequivocally and emphatically against this slave constitution. If the British Government has any respect for democracy and still sees virtue in democratic procedure, as it so loudly proclaims, then it has no alternative but to withdraw this constitution and Act. That is our position and our demand, and so long as it is not acceded to we shall labour and struggle to that end.

Congress members of the legislatures have their work cut out for them by Congress resolutions. That work is primarily to fight the Act and press and work for a constituent assembly. Some people, in their ignorance, have imagined that this convention is itself the constituent assembly and that it is going to draft a new constitution for India. This convention is going to do no such thing. That is not its function and the time for drawing up India's constitution is not yet. Nor is the constituent assembly a magnified all parties conference. The constituent assembly that we demand will come into being only as the expression of the will and the strength of the Indian people; it will function when it has sanctions behind it to give effect to its decisions without reference to outside authority. It will represent the sovereignty of the Indian people and will meet as the arbiter of our destiny.

How can this assembly meet today when British imperialism holds forcible sway here with its armies of occupation, spies, informers and secret service, and the denial of civil liberty? When so many of our loved ones and comrades languish in prison or detention camp? When this monstrous constitution has been imposed upon us, despite our indignant repudiation of it?

Therefore let us be clear about it. There is no room for a constituent

assembly in India till we have in effect removed these burdens and obstructions, and the will of the Indian people can have sovereign play. And, till then, there is no room in India for any other constitution imposed upon us; there is room only, unhappily, for conflict and struggle between an imperialism that dominates and a nationalism that seeks deliverance. That nationalism is no weakling today and, though it may have to wait awhile for its deliverance, it will not tolerate domination and dictation.

So we are told by the Congress to go to the legislatures not to cooperate, for this so-called cooperation would only be another name for submission to dictation, but to fight the Act. Whatever decision we might take on other issues, that basic policy remains and must remain. Inevitably it follows that we cannot have any alliances with individuals and groups who do not subscribe to this policy.

It is within this narrow framework that we have to consider the question of office acceptance. That question will have been decided by the All India Congress Committee⁶ by the time we meet in convention and I stand before you, and by that decision this convention will be bound. So I cannot say much about it here. I have often given expression to my views on this subject and our electoral victory has not changed them in any way. But we have to remember that whatever the decision of the All India Congress Committee might be, the whole logic of Congress resolutions and declaration and policy leads us to maintain a spirit of non-co-operation towards this constitution and Act. Ordinarily in a democratic constitution, to have a majority means an acceptance of ministerial responsibility. To refuse responsibility and power when a democratic process offers it to us is illogical and improper. But we have neither democracy nor power in this constitution; the illogicality and contradiction lie in the constitution itself. Are we to twist and distort ourselves to fit in with this perversion? Therefore whatever else we might do that spirit of non-co-operation and struggle against British imperialism must pervade our efforts.

Many of you are eager and desirous of doing something to relieve the burdens of our masses, to help the peasant and the worker and the vast numbers of middle class unemployed. Who does not want to do that? No one likes conflict and obstruction, and we have hungered so long for real opportunities for serving our people through constructive effort.

⁶ At its meeting held in Delhi on 17-18 March 1937 the A.I.C.C. authorised and permitted the acceptance of office in provinces where the Congress commanded a majority in the legislatures, provided the leader of the Congress Party in the legislature was satisfied and was able to state publicly that the Governor would not use his special powers of interference or set aside the advice of ministers in regard to constitutional activities.

They cry aloud for succour, these unhappy millions of our countrymen, and even when their voices are silent, their dumb eyes are eloquent with appeal. It is difficult to live in this country surrounded by this human desolation and misery, unspoken often and the harder to bear because of that. We talk of Swaraj and independence, but in human terms it means relief to the masses from their unutterable sorrow and misery. Ultimately all that we work for resolves itself into that. And if we have a chance to give such relief even in a small measure, we cannot reject it.

But that relief must be for the millions, not for a few odd individuals. And if we think in terms of those millions what relief does this new constitution offer? I have read its relevant clauses again and again, ever with a growing astonishment at the audacity of those who have framed it and thrust it on us, protecting all those who need no protection, confirming their privileged position as exploiters, binding us hand and foot not touch them in any way, and leaving the masses of India to sink deeper in the quicksands of poverty. We cannot give adequate relief to the masses within the scope of this constitution; that is a demonstrable impossibility. We cannot build any new social structure so long as special privileges and vested interests surround us and suffocate us. We cannot carry out any policy, political, economic, social, educational or any other, when the whole executive agency and civil service is not subject to our control, and we may not touch the major part of the revenues. The "special powers and responsibilities" of the Governors and the Governor-General apart, the Act by itself is more than sufficient to disable any minister.

But we can do some other things. We can take upon ourselves the odium and responsibility of keeping the imperialist structure functioning, we can become indirectly responsible for the repression of our own comrades, we can take away the initiative from the masses and tone down their fine temper which we ourselves have helped in building up. All this may happen if we follow the path of least resistance and gradually adapt ourselves to existing conditions. I do not think that this will happen for the temper of the Congress and the people will not allow it. We have gone too far for that.

Thus we do not seek the working of the new constitution but the most suitable way of meeting and creating deadlocks, which are inevitable in this scheme of things, and of carrying on our struggle for freedom.

I can see no flaw in my reasoning, if the premises of the Congress resolutions are accepted, as accept them we must. Whatever the A.I.C.C. may decide on this question of office acceptance, we shall have to carry on the spirit and letter of those resolutions in the legislatures as well as outside.

Our decisions must be all India decisions, for it would be fatal to have

variations in policy to suit the minor needs of provinces. The unity of India has to be maintained; so also the unity of our struggle against imperialism. Danger lurks in provinces acting separately and being induced to parley separately. Therefore, as I conceive it, the chief virtue of this convention, now or later, is to keep this all India character of our work in the legislatures ever in the forefront and to prevent fissiparous tendencies and the development of provincialism. A necessary counterpart of this is the maintenance of a uniform discipline among Congress members of all legislatures. Every effort is likely to be made on the part of our opponents to effect breaches in that discipline and all India policy, but we must realise that without that self-imposed discipline and uniformity, our strength goes and we become isolated groups and individuals, ignored and crushed in turn by our opponents.

The wider policy that will govern us must inevitably come from the Congress and that policy must be loyally carried out by this convention and its members. What other functions the convention will perform will be laid down by the All India Congress Committee and I do not wish to prejudge the issue in this written message of mine. But I can conceive the convention or its representatives not only doing what I have mentioned above, but in times of national or international crisis playing an important role in our struggle for power and freedom.

You will soon go back to your provinces and constituencies and explain to our comrades there the decisions taken here in Delhi city, and prepare for the new forms of struggle that await you. We have some experience of this struggle for freedom and many of us have given the best part of our lives to it, and a variation in its shape or form will not deter us. But we must hold to our old anchor and not be swept away by passing currents. And we must remember that we live in a dynamic world where almost everybody expects sudden and violent change and catastrophe. That crisis, national or international, may seize us by the throat unawares sooner than we imagine. So we must be ever ready for it, and we may not think or act in terms of static or slow-moving periods.

Our next task is the hartal of April 1st, and on that day, I hope, you will be in your constituencies to take part in that mighty demonstration against this slave constitution and to declare again, with millions of our countrymen, that this constitution must be scrapped and must give place to another, framed by a constituent assembly and based on the sovereignty of the people of India.

121

*Iqbal to Jinnah for Holding a Muslim Convention.*¹

LAHORE
20 March 1937

[Strictly confidential]

MY DEAR MR. JINNAH,

I suppose you have read Pandit Jawaharlal Nehru's address to the All-India National Convention² and that you fully realise the policy underlying it in so far as Indian Muslims are concerned. I believe you are also aware that the new constitution has at least brought a unique opportunity to Indian Muslims for self-organization in view of the future political developments both in India and Muslim Asia. While we are ready to co-operate with other Progressive Parties in the country, we must not ignore the fact that the whole future of Islam as a moral and political force in Asia rests very largely on a complete organization of Indian Muslims. I therefore suggest that an effective reply should be given to the All-India National Convention. You should immediately hold an All-India Muslim Convention in Delhi to which you should invite members of the new Provincial Assemblies as well as other prominent Muslim leaders. To this convention you must re-state as clearly and as strongly as possible the political objective of the Indian Muslims as a distinct political unit in the country. It is absolutely necessary to tell the world both inside and outside India that the economic problem is not the only problem in the country. From the Muslim point of view the cultural problem is of much greater consequence to most Indian Muslims. At any rate it is not less important than the economic problem. If you could hold this convention, it would test the credentials of those Muslims Legislators who have formed parties contrary to the aims and aspirations of Indian Muslims. It would further make it clear to the Hindus that no political device, however subtle, can make the Indian Muslim lose sight of his cultural entity. I am coming to Delhi in a few days' time and hope to have a talk with you on this important matter. I shall be staying in the Afghan Consulate. If you could spare a few moments, we should meet there. Please drop a line in reply to this letter as early as possible.

Yours sincerely,
MOHAMMAD IQBAL
BAR-AT-LAW

P.S. Please excuse me. I have got this letter written by a friend as my eye-sight is getting bad.

¹ Jamil-Ud-Din Ahmed, *Historic Documents of the Muslim Freedom Movement* (Lahore. n.d.).

² See No. 120

I22

Graham to Linlithgow on Ministers and Panel of Chairmen in Sind

Linlithgow Papers

GOVT. HOUSE, KARACHI
22 March 1937

DEAR LORD LINLITHGOW,

I meant to write about my Ministers about a week ago, but the position was then too fluid. In our earlier letter I wrote to you that I might think fit to offer a ministership to Sir Shah Nawaz Bhutto in a combination with Sir Ghulam Hussain as Chief Minister, although Shah Nawaz had been defeated in his election. The combination was announced and I thought all was going well, but it fell to pieces in two or three days over the division of the spoils; and I have decided to drop Shah Nawaz as he said that he could not be happy with Sir Ghulam Hussain as Chief Minister. It was clear to me that I could not ask Shah Nawaz to advise me in the formation of a Ministry as there was a distinct doubt about his securing a seat. I have found the decision difficult because there are no parties among the Muhammadans. The so-called united party which contested the elections under that name has already split into three. This morning I sent for Sir Ghulam Hussain who is easily the most competent man in the Province, and he has agreed to advise me. In fact he had his Ministry in his pocket, but I asked him to submit the names formally in two days' time. I don't think much of his Hindu nominee, nor does he, but he is right in saying that he is the man whom the Hindus want. Nor do I think highly of the second Muslim Minister, but he is a descendant of the ruling family (or rather of the last ruling family) and he carries a certain amount of influence. I have told Sir Ghulam to count heads again very carefully and have suggested alternatives for the Hindu Minister and the second Muslim Minister, but he's a wise old bird and I am afraid that he is right. There's a lot of intrigue going on about the speakership and it may prove advantageous not to have even a formal session in April, but to open with the Budget session in July. We cannot be open to suspicion (as is possible in Provinces where there is a Congress majority) of wishing to avoid facing the representatives of the people.

In your letter of the 13th March you wrote about the procedure for the appointment of a Panel of Chairmen. We have for the time being reproduced the existing provincial legislative rules—which deal only with occupying the Chair in the House. In the Indian Legislative

Assembly we presided [decided] by an amendment, I think in our standing orders, that one of the Panel of Chairmen must be appointed to and preside over every Select Committee, and it worked well. My Chief Secretary tells me that we were rather discouraged (I am making no complaint) by your Reforms Office for putting new matter into the Provincial Rules. I don't think there was any dissentient in the Indian Legislative Assembly at the power of appointing the Panel of Chairmen being vested in the President: and I knew how careful he was to consult the different parties and groups before making the appointments. My inclination is to suggest my Chief Minister to move in the first session for a Committee to examine the Rules, and to leave to the Committee the credit of proposing further employment of the members of the Panel. It will be interesting to see whether they will also propose that the House should have the right to elect the members of the Panel.

I am sorry to see that you have been having such a difficult time with the Assembly. They are best pleased when they can get a fling at the Government over a certification by the Governor-General. In an ordinary year it means very little, but I am wondering whether the Congress Committee will seize in it as an opportunity of increasing their demand for guarantees. I have not written in this issue as it does not arise in this Province and my advice might be open to the charges of being "divorced from reality".

Your sincerely,
L. GRAHAM

I23

Zetland to Linlithgow on Developments Arising Out of Congress Victories in Elections (Extract)

Zetland Papers

22 March 1937

Many thanks for your letter of the 5th.¹ I need hardly say that I have been following with profound interest, and, on the whole, with considerable satisfaction the developments arising out of the Congress victories in the Elections. You will have realised from our telegraphic correspondence how completely I am in accord with the line which you have been taking. I think, perhaps, that the only point which has so far been discussed between us on which I have felt some doubts has been

¹ See No. 96

your suggestion as to the course to be pursued in the hypothetical case of a Congress majority in one or the other Provinces declining to take office. Your suggestion was that the Governor should summon the legislature for transaction of formal business and that he should then adjourn it, and only appoint his Government after the members of the legislature had dispersed. It seems to me that if a Legislative Assembly was convened in these circumstances, it would prove to be a particularly disorderly mob since there would be nobody to guide or direct its proceedings and I found it a little difficult to picture to myself what exactly would happen. I presume that it would either receive a message from the Governor or possibly be addressed by the Governor in person; but in this case, the Governor would have to play the part which would be taken by the Chief Minister if he had been appointed and he would, I suppose, have to control the proceedings of the Assembly until a Speaker had been elected. This might place him in an embarrassing position. I admit that in the circumstances postulated there would be no course open which could be regarded as being in any way satisfactory. I was a little inclined to think myself that the best course might be to take advantage of the provision of the Act which enables the Governor to postpone summoning the Legislature for the first six months during which the new Constitution is in operation. Some of my advisers, however, took the view that it would be better to appoint a Ministry from the minority parties if persons could be found who were prepared to take office in the circumstances, and to face the Legislature in spite of the knowledge that it might move a vote of no confidence in the Ministry forthwith. In the event of the Governor finding it impossible to persuade anyone to accept the post of Minister in such circumstances, their view was that he should, for the time being, appoint Ministers from outside the Legislature making it known that if later on the Majority Party decided to alter their decision and to consider an invitation to accept office, his temporary Minister would give way to them. In either event they contemplated that a vote of no confidence would for the time being be ignored. However, the present trend of events makes it unlikely that the hypothetical case which you had in mind will, as a matter of fact, arise, and I should imagine that the Congress Leaders in most, if not all of the Provinces where the Congress are in majority will find it possible to accept office on the terms which have been laid down at the meeting of the Congress in Delhi last week. . . .

124*Viceroy's Instructions Regarding Request for Assurance**Haig Papers*

NEW DELHI
22 March 1937

Telegram II No. 189/S
[Private and Personal]

In my telegrams 164/S of 18th March¹ and 178/S of 17th March I have touched on line to be taken in regard to any public statement by a Congress Chief Minister designate as to use of Governors' special powers etc. I have also discussed this matter in my telegram No. 176/S of 19th.² In the light of a further enquiry from one Governor I think it may be well to supplement what I have already said by the following remarks.

- (a) It is already agreed between us (and the Secretary of State equally shares this view) that there can be no question of an assurance of any kind, formal or informal, written or oral, as regards the use to be made of special powers of Governors under the Act;
- (b) Congress have laid down that prospective Chief Minister must make a statement indicating his estimate of the attitude of the Governor in relation to his special powers; but onus of "satisfying" himself is laid on Chief Minister and there is no need for him to state in terms of Congress resolution that he has received any assurance from a Governor;
- (c) I feel increasingly at the same time that we cannot allow any statement to pass which will convey to the public the idea that any convention, understanding or agreement in regard to special powers has been reached, and if a Chief Minister makes any statement of such a character then it will be necessary for a dementi to be issued. For example, I do not in these circumstances think we could be content with a statement in the terms of the Congress resolution. We must avoid any risk on the one hand of a Chief Minister being in a position publicly to accuse a Governor of having misled him about use of special powers; and on the other of a Chief Minister, in the event of special powers being used subsequently in circumstances in which a ministry would wish to challenge a Governor, being forced to say publicly that he had taken for granted what in fact a Governor had never said. No Chief Minister as I see it could face such a confession.

¹ See No. 116

² See No. 119

2. I suggest in these circumstances that the line to take is the following: (a) A definite negative to any request from a prospective Chief Minister for an assurance touching in any way the position with regard to use of special powers or the like under the Statute. (b) You should inform him at the same time in the clearest and most unambiguous terms possible, of your intention to act towards your ministers in strict accordance with the letter and spirit of the Constitution, and of your anxiety to give them all the help, sympathy and support that you properly may etc. (c) It should also be made very plain, though of course with all possible friendliness, to the Chief Minister designate that, in any public announcement he may think it proper to make with regard to what has passed between you and him, he must carefully avoid conveying the suggestion that you have in the least degree undertaken to define your discretion as to your use of the powers and duties laid upon you by the statute: and you should further, again in the most friendly way, inform him that should his announcement contain such a suggestion you would feel that it was your duty to issue without any delay a formal dementi. You may think it well to add something on the lines suggested in paragraph 3 of my telegram 164/S, to the effect that you felt that he would appreciate your position in regard to the legal obligations and responsibilities laid upon you, just as you understood his and that you hope he might feel disposed to think that a public statement to the general effect that he is confident of your cooperation and goodwill meet the requirements of the situation. (d) I am disposed to think that the balance of advantage will be found to lie in leaving the Chief Minister designate to draft his own statement and in discouraging him from submitting this for your agreement before publication. But of this you are of course the best judge. I am telegraphing in similar terms to other Governors concerned.

125

Erskine Seeking Instructions Regarding Gandhi Meeting Him

Zetland Papers

22 March 1937

Gandhi is coming to Madras end of this week. He may ask to see me. If he does I presume it would be most impolitic for me to refuse. Could I have your views.

126*Rajagopalachari on Office Acceptance¹**Justice, 23 March 1937*

Mr. C. Rajagopalachari, interviewed by the Associated Press before his departure for Madras this evening explained the implications of the All India Congress Committee resolution on office acceptance.²

Question: Taking everything into account, including the Proviso, regarding the Governors' assurance, is it likely that Congressmen will be in office?

Answer: Certainly yes, we expect Governors to keep the same position as the king of England vis-a-vis his ministers. The Governor must give full responsibility to his ministers, because they have been returned by the people and have their confidence. He may have confidence in others, but the electorate has expressed itself in favour of the Congress.

Question: Has the Working Committee given any secret instructions to the Congress Party leaders in various provinces?

Answer: No, there are no secret instructions. The terms of the All India Congress Committee resolutions are very simple. The resolution is as simple as travelling in a third class compartment. There are no complications, no closets, no-bathrooms.

Question: What then is to happen to the objective of creating deadlocks, combating and ending of an Act?

Answer: Mr. Rajagopalachari parried remarking that a press reporter should not turn himself into an A.I.C.C. member and argue about it.

¹ Associated Press interviewed CR in New Delhi on 22 March 1937.

² See No. 115

I27*Nehru's Instructions on Observance of Anti-Constitution Day¹**The Hindustan Times, 23 March 1937*

The 1st of April will soon be upon us and I trust that all Congressmen and Congress organisations are taking suitable steps to observe that day as a day of complete hartal. On the evening of that day public meetings should be held in towns and villages and an identical resolution should be passed at these meetings. The resolution is given below. It has been framed on the basis of the national demand formulated by the All India Convention.

This meeting reiterates the opinion of the people of India that the Government of India Act of 1935 has been designed to perpetuate the domination and exploitation of the Indian people. This meeting declares that the Indian people do not recognize the right of any external power or authority to dictate the political and economic structure of India. The Indian people can only accept a constitutional structure, which has been framed by them, which is based on the independence of India as a nation and which allows them full scope for development according to their needs and desires. They stand for a genuine democratic state in India where political power has been transferred to the people as a whole and the government is under their effective control. Such a state can only be created by the Indian people themselves and through the medium of a constituent assembly elected by adult suffrage and having the power to determine finally the constitution of the country.

This meeting, therefore, condemns and utterly rejects the new constitution and demands its withdrawal in accordance with the declared will of the Indian people.

¹ Issued in Delhu on 22 March 1937

I28*Erskine Permitted to See Gandhi**Erskine Papers**23 March 1937*

Private and Personal. Your Private and Personal telegram of March 22nd No. 13¹. By all means see Gandhi if he asks to see you. My

¹ See No. 125

assumption is that he will merely ask for an interview, neither attaching conditions nor specifying that he wishes to discuss a particular subject.

2. No request for an interview has been received—But Laithwaite will of course be glad to see him if he asks for one and I will let you know anything of local interest that transpires.

129

U.P. Governor to Viceroy on Deadlock

Haig Papers

24 March 1937

Telegram (cypher). No. 3G

[Private & Personal]

I have just had a long conversation with Pant, conducted in an atmosphere of personal friendliness on both sides, but very disappointing in its results. When I said that I wished to consult him about the formation of a ministry he referred me at once to the Congress resolution.¹ He explained that he was the representative of an organization and that he was bound by its mandate. In the course of discussion he went on to explain that he was personally in agreement with the position taken by Congress which he could not in any way vary. He made it clear that the resolution really meant precisely what it said, that the words "in regard to their constitutional activities" might be regarded a superfluous, and that the demand was that the Governor would not use his special powers of interference or set aside the advice of his Ministers in any circumstance. He requested that it would be a sufficient safeguard if things were going badly that the Governor had the power to dismiss his ministers. He explained his general attitude as being that he did not feel equal to assuming the responsibility for the administration unless he was certain that he could pursue the whole of his policy unhampered. We had a perfectly friendly discussion about the limits on the practical exercise of the special powers but it was clear that his objection was to the whole principled. He said that there were certain parts of the Government of India Act which, though he disliked them greatly, he was prepared to accept because they were mandatory, such as the pay and control over all-India services, but he could not reconcile himself to possible

¹ See No. 115

interference by the Governor of the discretionary kind contemplated by the provisions about special responsibilities, individual judgement, etc. I assured him of my desire that the Congress should form a ministry, of my readiness to work with him in relation of perfect confidence of my help and support, of my realisation of the spirit of the constitution and of my desire not to use special powers lightly or inadvisedly. He received these assurances in a most friendly spirit and did not question them but returned always to the point of principle. It was quite clear that he was not prepared to make any statement of a general character, such as suggested in para 2(c) of your telegram no. 189S of 22nd March.² I got the impression that he was bound down strictly by instructions though he himself agreed with those instructions, and that he could not even if he wished to depart from them. I also think that he was genuinely disappointed at my attitude when I had to explain to him that constitutionally it was not possible for me to agree to any such demand. Congress seem to have persuaded themselves that Governors would make no difficulty about their demand.

2. Though we had reached a complete deadlock at the end of our conversation I suggested to him that as similar conversations were taking place in the next day or two in five other provinces and as it was clear that the matter would have to be handled on similar lines by all it would be desirable not to put out any statement to the effect that we had reached a deadlock. I am therefore with his approval issuing a statement to the effect that our discussions have been postponed and that we have decided that it would be desirable to meet again at a later date which we have tentatively fixed as March 29th. I did this with the idea that he might consult his people further. He did not say this would be useless, but I do not think anything will come of it. I told him I would communicate the result of our conversation to you, but so far as we are concerned it seems to me clear that we cannot budge at all.

² See No. 123

130

*Nehru's Reply to Lothian**Nehru Papers*

25 March 1937

DEAR LORD LOTHIAN,

Thank you for your letter of the 4th March¹ which reached me in Delhi just after we had come to our decision. May I say that I appreciate your writing to me even though I may not always agree with you. I am quite sure that a full consideration of all points of view is necessary in order to approximate to the truth or to the right course to be taken.

The Congress Committee, as you no doubt know, went very far towards permitting the acceptance of responsibility under the new Constitution. They went further than many of us wanted. We have certainly asked for an assurance that they will not interfere with the minister's discretion or ignore his advice so long as he acts within the constitution. If that assurance cannot be given then it is clearer than ever that these special powers are not unrealities. It seems to me that the offer is a very fair one on our part. I do not yet know whether such assurance will be given.

I wrote to you once before, I think, that I am in entire agreement with you on the importance of retaining and strengthening the organic unity of India. All our policy is shaped to that end. We want to and must avoid the calamities and frustrations which the division of India must bring in its train. But surely the federal part of the new constitution does not help this unity. It sows the very seeds which produce discord and disunity and conflict.

Yours sincerely,
JAWAHARLAL

131

*Viceroy to Provincial Governments on Jurisdiction of Provincial Legislatures to
Discuss the Behaviour of Troops Acting in Aid of the Civil Powers*

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI

25 March 1937

MY DEAR

The Defence authorities have raised the question of the action that could, or should, be taken if Provincial Legislatures under the new Constitution show a disposition to discuss, or set up committees to enquire into, the behaviour of troops when acting in aid of the civil power for the suppression of disturbances. In accordance with the agreement reached at the Conference with Provincial representatives in January 1936, Provincial Governments and their officers will continue to have the right of applying for military assistance and such applications will be complied with; but the actual employment of troops in such a capacity will be definitely excluded from the Legislative jurisdiction and executive authority of a Province as a result of the wording of Item I in List II of the 7th Schedule to the Act. Owing, however, to the omission from the scope of the Governor's rule-making powers under the proviso to Section 84 of any specific provision corresponding to the present rule by which matters not primarily the concern of a particular Government are not open to discussion in its Legislature, the only means of debarring the discussion of such subjects would be *either* for the Governor to exercise his powers of disallowance under Rule 3 of the Governor's Rule forwarded with Reforms Office demi-official letter No. F.-26-36-F., dated the 7th October 1936, *or* for the Chamber itself to adopt a self-denying ordinance in the rules to be framed under the substantive part of the section. The latter alternative is most unlikely, while the former would not be appropriate save in exceptional cases where the decision to ask for military assistance had in fact been taken by the Governor in opposition to the advice of his Ministers. On the other hand, it will probably be agreed:

- (a) that the discussion of, and much more the appointment of Provincial Committees to enquire into, the behaviour of troops might lead to very undesirable results, and
- (b) that in certain circumstances the likelihood of action on the part of the Legislature with that object in view is by no means remote.

2. Our opinion is that, under the new Act, it was not intended to prevent discussions of this kind as a general rule, and therefore it is useless to seek for a provision of the law which could be used for that purpose. The dangers of such discussions must accordingly be faced, and it must be left to the good sense of the Legislatures not to abuse their powers in this respect.

It is of far more importance, however, to prevent discussion from being turned into action by the appointment of Committees of Enquiry, and here the provisions of the Constitution do provide a remedy. Although there may be nothing in the Act to prevent a Legislature from appointing a Committee of Enquiry on its own motion, it is assumed that the ordinary rule will be retained under which all Resolutions moved in the Legislatures must take the form of a recommendation to the Government, *i.e.*, the Governor—see section 49 (1). A Resolution recommending to the Governor the appointment of a Committee to enquire into the handling of a riot, including its suppression by military force, might possibly be ruled out of order by the President on the ground that the holding of such an enquiry, so far as the military forces were concerned, would lie entirely outside the executive authority of the Province and the recommendations could not therefore be given effect. In certain circumstances, no doubt, even if the discussion of the Resolution were permitted, it would be opposed by the Minister and his party and be defeated. There are circumstances, however, in which a Minister might be inclined to yield to pressure from the Legislature and the Resolution might be carried. In that event, the line to take would be that, so far as the troops were concerned, the matter lay entirely outside the field in which a Minister is entitled to give advice to the Governor and he himself would be powerless to give effect to the Resolution on the ground that the setting up of a Committee to enquire into a Federal matter fell outside the scope of the executive authority of the Province. The Governor would therefore have no option but to reject the recommendation.

3. There is of course the possibility that the Resolution might be so worded as not to refer directly to the action of the troops and the Governor himself might agree that there was a case for enquiry into the whole circumstances of the case, including the action of the provincial officers responsible for handling the situation. Such an enquiry need not be regarded as outside the executive authority of the Province on the mere ground that it could not avoid some incidental reference to the employment of troops. But if in the Governor's opinion the circumstances were such that no useful enquiry could be held without referring to the action taken by the troops, the correct course would be for him to refer the whole matter, with his views thereon, to the Governor-General

and to refrain from setting up any Provincial Committee of Enquiry pending receipt of the latter's decision. Each case would then be considered on its merits.

4. The matter would no doubt require further consideration if the rule were not retained under which all Resolutions must take the form of a recommendation to Government, but it seems hardly necessary to contemplate such a possibility at present. In the meanwhile, I hope you will agree that the above procedure should be followed if and when the need arises.

Yours sincerely,
LINLITHGOW

I32

Viceroy to Secretary of State on Formation of Minority Ministries and the Question of Validity of Delay Caused in the Process After 1st April

L/P.O./6/99(1)

25 March 1937

Telegram No. 221-S

Private and personal. Your private and personal telegram of March 17th, 1927.¹ I informed Governors of your views, though I felt very grave doubt as to whether, unless of course Congress accepted office in Congress provinces, it would be possible to work strictly to view that interval between April 1st and formation of Council of Ministers could be reduced to a couple of days. But I am now quite clear, in the light of representations received from Hallett in particular as well as of further consideration here, that we must take whatever risks are involved in a longer delay. Nor do I see any real impropriety in such delay, so long as Governors are actively engaged in negotiations or discussions with potential chief ministers.

The situation since you telegraphed has of course undergone a change to the extent that while we do not yet know where we stand, it seems by no means improbable that Congress, since we shall not be prepared to give them any assurance of the type which they demand, will not take office.

But a decision is unlikely to be reached before 29th March. It is clearly impossible for Governors to start negotiations with minority parties or to form coalitions until all hope of persuading Congress to take office has been exhausted. It is, I fear, equally the case that, certainly in some provinces, task of forming a minority Government, even if it proves practicable, is likely to be a delicate and possibly a somewhat lengthy one. In these circumstances there would be nothing for it but to contemplate interval, possibly of several days, after 1st April, during which the Governor himself, while actively engaged in endeavouring to form a ministry would have to be responsible for the administration. In measuring the situation here you will no doubt appreciate the importance of the governments which will be at work in the Punjab, Sind and Bengal, and possibly Bombay and Assam. I hope that on further consideration in the light of what I have said you will accept this view.

NOTE FOR MR. MAC GREGOR

There can be no question of an assurance, formal or informal, written or oral, as regards the use to be made of the special powers of the Governors under the Act. The Congress resolution as to the acceptance of office does not necessarily involve the leader in each province getting an assurance from the Governor. He has to satisfy himself and express his satisfaction publicly. But the Congress leader may express his satisfaction in terms which would imply or convey to the public the idea that some convention, understanding, or agreement in regard to the use of the special powers had been arrived at between the Governor and the leader. If the published statement had this effect it might and probably would be necessary for the Governor to issue a *dementi*, as it would be impossible to leave the public under the impression that there was some understanding between the two which had not in fact been arrived at. Such a development would create an *impasse* which the Governor certainly and probably the Congress leader too would desire to avoid. It is therefore to be hoped that the Congress leaders will be very circumspect as to the terms of their published statements.

133

AICC Newsletter on Muslim Support for the Congress

AICC Foreign Deptt. Newsletter
25 March 1937

Remarkably, though slowly, the Muslim opinion in India is veering round the Congress and progress for which the Congress stands. The phenomenal success of the Congress in the General Election has opened the eyes of the Muslim leaders and many of them seem to have realized that they can serve their community best by allying with the Congress. It is significant that in Bengal where the Congress party is in the minority in the Legislature and where, therefore, the question of its accepting Ministry does not arise, Mr. Fazlul Huq, the Chief Minister designate, has hailed the release of Mr. Subhas Bose with delight and has publicly invited him to enter the Legislature and "take up his proper place as the Leader of the Opposition" so that "the antagonistic forces in the Assembly" may be "marshalled under a master mind whose patriotism will not permit of unfair tactics in our political warfare". In Bihar the biggest Muslim party has placed itself under the Congress party. Mr. Jinnah, too, has publicly expressed his readiness "to cooperate with every progressive party in the country".¹

"But the most outspoken pronouncement was made last week by Sir Wazir Hassan, a former Chief Judge of Oudh Chief Court and the President of the last session of the Muslim League. "In my opinion", said he, "the time has come when the Mussalmans of India should join the Indian National Congress in thousands and thousands and cooperate with it on all lines for the attainment of freedom for our country". In his condemnation of the new India Act he rose to the height of any Congressman and in his appeal to the Muslims to join the Congress he threw in patriotism and fervour of the highest order. The constitution, he said, did not give power to the Legislature to carry out any radical changes either in the administration of the country or in the social system which had brought untold miseries, destruction and poverty among the masses of the Indian people. Such radical changes could only be effected when India was an independent self-governing nation. "to attain this condition as speedily as possible", he added, "is the aim of the Congress and let it not be said to the shame of the Indian Mussalmans that they failed at this critical juncture to cooperate with this great organisation of the country".

¹. See No. 4.

I34*A.K. Fazlul Huq's Appeal for Support to the Bengal Ministry**The Advance, 25 March 1937*

Interviewed by "United Press" Moulvi A.K. Fazlul Huq said: With the announcement of the personnel of the Bengal Cabinet, all speculations by an expectant public must now be set at rest, and I take this opportunity of making an earnest appeal to my countrymen to lend their support to the Ministry which has been constituted in accordance with the recommendations which I had the privilege to make to His Excellency the Governor.

I do not claim anything like perfection for what I have done, but I hope I can reasonably claim that I have tried to do the best under the very difficult circumstances in which I found myself placed, and in trying to reconcile conflicting interests and divergent claims and aspirations, much of which it was difficult to ignore. I have done my best to be fair and impartial to all and to do the utmost possible justice to claims which, though apparently negligible, had solid foundations in fact. To the great Hindu Community, I have cheerfully given an equal representation in the Cabinet with Muslims, because I recognize that although the exigencies of a political situation may have reduced the proportion of cooperating Hindus in the Legislatures to the position of a negligible minority, the representation to which any community is entitled in the counsel of Government must be determined by much higher consideration than the mere counting of heads of its members in the Legislature.

We hope and trust that we will be given a fair and impartial trial before any verdict is given on our work, and that our countrymen will realize our difficulties in harmonising our national aspirations with the requirements of a system of Administration which must necessarily retain much of its original bureaucratic character. My Colleagues and I will always look forward to help, inspiration and guidance from our countrymen in carrying out the duties of our office and trust that the almighty Providence will give us strength and wisdom to carry on work of administration for the good of all classes of people in the country.

135

Governor of Bombay to Viceroy for Muslim Representation in the Ministry

Brabourne Papers

25 March 1937

[Private & Personal]

I would be grateful for your early advice on the following point. Congress may propose a Ministry containing either no Muslim or a most useless and unrepresentative one. Will acceptance of either alternative cause real uneasiness in the minds of Muslims in other parts of India from the point of view that their interests are being unprotected from the start? How far do you advise me to go on this point? Personally I do not find that I should allow this to be the only reason for a break with a possible Congress Ministry, but I feel I should put the problem to you from an All-India point of view as I do not want to take any action which may drive some of the Muslims into the arms of Congress.

136

Viceroy to Secretary of State on Rejection of Rajagopalachari's Formula About Governors' Assurance

L/P.O./6/99(1)

26 March 1937

Telegram No. 225-S

Private and personal. I have sent following telegram to Governors. Begins 226-s Hallett has again seen Sri Krishna, but with no advance, Sri Krishna urging the importance of a convention as regards use of special powers and their inconsistency with democratic system of Government. Conversations have been further adjourned.

2. I understand, that, in conversations yesterday with Brabourne, Congress leader took precisely the same line as United Provinces, Bihar, etc., but were, (sic) if anything, more definite. Conversations adjourned till Saturday or possibly Monday.

3. Rajagopalachari, after much argument, has suggested formula to

Erskine in following terms. *Begins* Having been invited by H.E. the Governor to discuss with him formation of a Ministry, I saw him on 25th March and placed before him resolution passed by All-India Congress Committee, laying down policy of Congress in regard to new Constitution and conditions necessary for the acceptance of office and discussed this fully with him. As a result of these conversations I have understood from H.E. that it is not possible for him legally to give any pledge which would divest him of his responsibilities under the Statute but I am assured that, if we take office, H.E. will not use his special powers of interference or set aside advice of the Cabinet in matters appertaining to and within the legitimate scope of the provincial ministry. *Ends.* Conversations have been adjourned till Saturday and Rajagopalachari wishes in the meantime to get Gandhi's support for his draft. Gandhi has apparently visited Madras for the purpose of settling a formula. *Ends.*

225-S (continued)

4. I do not regard Rajagopalachari's formula as acceptable. Phrase "appertaining to and within legitimate scope of etc." is susceptible of indefinite argument and for all my anxiety to see Congress in office I would run no risks, particularly in view of very rigid attitude so far adopted by their representatives in discussions. Hallett has just had rumour from secret sources of Conference urgently summoned by Nehru to consider office acceptance at Allahabad. This awaits confirmation. But I think right line is to make no concession and to hold out for our full demand. Will you think this over and I will telegraph further in the morning. Next few days with a series of refusals to take office—in Madras, Bihar and Orissa and possibly Bombay. On the other side we shall probably have Ministries ready to take office in Bengal, Sind, Assam and the Punjab.

The Congress leader in Madras is seeing Erskine again, and he *may* climb down; left to himself he probably would, for he *wants* to take office. But, if no progress is made, the news of the refusal in Madras may be announced tomorrow (Saturday). I am sending you this so that the Prime Minister may know in advance.

137

Anderson to Linlithgow on Political Detenus in Bengal and Their Reclamation

L/P.O./6/46/B(1)

GOVERNOR'S CAMP, BENGAL,
27 March 1937

MY DEAR LINLITHGOW,

I have to apologise for the delay in answering your letter of 19th February in which you enclosed a note¹ by Sir Charles Tegart on the problem of detenus in Bengal with special reference to the question of reclamation. The subject however is a very large one and I have had many preoccupations during the past month.

I notice that Sir Charles's note is not self-contained and some of his remarks are hardly intelligible without the earlier note which is not available to me. I think however that I am in a position to deal with his main points though more cursorily than I should have wished.

In the first place Sir Charles has gathered the impression that the present policy of Government inclines in favour of the concentration of suspects in larger bodies. That impression is entirely mistaken, as will be clear from the following paragraph extracted from a note by the Additional Secretary in the Political Department here:

"In paragraph 7 of his note Sir Charles Tegart remarks that the closing down of Buxa Camp suggests that the policy of Government inclines to fewer and not more camps. This also conveys the suggestion that Government favour larger camps. Neither the inference which Sir Charles draws from the closing of Buxa nor the further suggestion is correct. The closing down of Buxa followed the setting up of the first four industrial and agricultural training camps. These were:

| | |
|--------------------------------------|--------|
| Maslandpur, the capacity of which is | 40 |
| Clive House, | " " 45 |
| Gouripore, | " " 30 |
| Sukchar, | " " 30 |

Another camp, with a capacity of 30, is about to be established. Although all the men selected for training have not been recruited from the large detention camps, it is, I think, important to note that the present

¹ See Appendix IV

population of Deoli (393), Hijli (266) and Berhampore (370) is in each case less than it was before Buxa was closed. At the end of April 1936 the population of the camps was:

| | |
|------------|-----|
| Deoli | 465 |
| Hijli | 334 |
| Berhampore | 435 |
| Buxa | 61 |

In respect of the disadvantages of large camps, I think the case is very fairly stated in the following further extract from the same note:

"I do not think that anyone would deny the advantages which Sir Charles claims for smaller camps over the detention camps now in existence, but it seems to me that there are two features in the present situation to which he has not attached sufficient importance. These are:

- A. The ever increasing volume and bitterness of anti-British propaganda and the striking effect of that propaganda on the Hindu bhadralog class to which the terrorists belong.
- B. The popularity of communism among detenus and other extremists. (It is irrelevant that it is the revolutionary aspect of communism which appeals to these people, rather than its promise of an improvement in the conditions of the non-bhadralog mass of the population.)

I am afraid that these features make it practically certain that there would be no 'change of heart' among detenus housed in small camps and instructed on the lines which Sir Charles suggests. I think that even in the smallest practicable groups, detenus from the existing camps who had nothing to do but attend social study classes would rapidly convert these into meetings for the intensive study of Marxian economics.

I have not been able to obtain any papers about the war-time detenu settlements to which Sir Charles refers but I have gathered from Messrs Colson and Fairweather that these settlements consisted of small groups of detenus living in *bashas* in the vicinity of police stations. The largest number of detenus whom we have living together in village domicile is six. (These men are interned at Sandwip, Noakhali District.) Even this number is as many as the police, having regard to the security of police stations, are prepared to have together. Settlements such as are contemplated by Sir Charles would, therefore, have to have guard staffs with an officer of some seniority in charge, and the expense incurred on the maintenance of such settlements would probably be greater than the province can afford.

I am in complete agreement with Sir Charles's remark in paragraph 13 of his note that individual discussions are the best means of approach. I

believe that in a small group of even three or four each individual would be reluctant, possibly afraid, to show any sign of being influenced by any criticism of terrorism. With reference to Sir Charles's instances of individual conversions, I have no doubt that similar conversions are taking place at present; but the Deputy Inspector General is obviously in a better position to comment on this than I am. (I may add that Miss Bina Das who was led to the realisation of the sinfulness of her attack on Sir Stanley Jackson after a talk with Dr. Maitra recently distinguished herself by attempting to set fire to a kitchen in the Dinajpur Jail.)

Sir Charles has said in paragraph 4(c) of his notes that the establishment of more and smaller camps would make the policy of gradual releases more easily and safely effected. I think that if we had to start afresh we should, in the light of our experience with the big camps, prefer to have much smaller ones, in order to facilitate our policy of progressively relaxing restrictions in individual cases. But I think that at the present time the removal of large numbers of detenus from the three camps to smaller ones such as are contemplated by Sir Charles would not help us very much. Apart from financial difficulties, there would be the difficulty of selecting men for these smaller settlements. Very few men who have been put under restraint during the last year or more have been sent to camps, and so recruits for any smaller settlements would have to be taken from bigger camps or from village domicile. Removing men from village domicile would make the method of individual approach even more difficult than it is at present.

Sir Charles then goes on to stress the importance of the psychological factor. In principle I agree; but the matter is one to which we have given continuous attention during the past five years and our conclusions differ materially from his on all practical aspects of the matter. Barin Ghose and Dr. Maitra, to whom Sir Charles refers, are both well known to me. The former has been, and is being, used in the attempt to counter terrorist doctrine but in direct contact with detenus at the training camps he has been able to do very little, largely because he is now regarded as a Government man. Dr. Maitra I do not take very seriously. Of his earnestness there can be no question but he is rather a faddist, and if he were given access to the more sophisticated terrorists in the camps, I think he would only be laughed at. He has however done some useful work in association with anti-terrorist committees in the mofussil.

Briefly my general view is that any attempt to bring direct influence to bear on the detenus themselves is unlikely to produce any material result. Recognising as we do that every effort must be made to counteract terrorist propaganda, I consider that we have to make the attack on a much wider front, building up sound opinion in the areas where terrorist doctrine has taken or threatens to take hold and

advertising as widely as possible the efforts that Government have been making to improve the condition of the people and thereby exposing the falsity of the theory of "exploitation". Through District Officers, Military Intelligence Officers and innumerable non-official agencies we have already, I believe, achieved a great deal and would have been able to achieve much more had it not been for the baneful effect of the subversive agitation and anti-British propaganda so systematically and assiduously carried on by Congress leaders.

Any improvement in the general atmosphere has an indirect effect on those in detention through their contacts with the outside world. For means of influencing them directly we must, I feel, continue to rely in the main on our training schemes which are capable of still greater development.

In this connection, at the risk of expanding unduly what I had intended for a brief note, I should like to quote from a memorandum by my Home Member with which I am personally in agreement. "Briefly", he writes, "I definitely hold the view that the root cause of terrorism in Bengal is to be found in the change in the past thirty years in the social, economic and political prospects of the Hindu community, more particularly in respect of those belonging to the middle and lower middle classes. The steady deterioration of their position in respect of everything that was worth having, emphasised by the 'uplift' of other sections of the community, led to that feeling of despair which Sir Charles mentions, and which prepared the ground for the ready acceptance of the dogma of 'exploitation' in the sinister sense of that term. In my opinion, to 'convert' individuals who have become obsessed with feelings of racial animosity bred in such circumstances, is not only an almost hopeless task, but the results are never likely to keep pace with fresh recruitment to the ranks of the terrorist. The only policy that has any chance of success is that which has in fact been pursued by the local Government since 1932, namely, a sustained effort to prove that the administration is not unmindful or neglectful of the best interests of the province, that the 'dogma' of imperial or foreign exploitation is a myth, and that the practical measures adopted by Government in its various departments to promote the general welfare are not only genuine but surely, though it may be slowly, producing effective results. Amongst these efforts I include the detenu training scheme with its promise of expansion to a wider sphere. It is to these efforts that I would attribute the marked change in public feeling in the last two or three years and the consequent gradual decline of terrorist mentality. Perhaps the murder of Mr. Burge can be quoted as a definite incident which enabled public opinion to reveal the changes it was undergoing. Mr. Burge's efforts to promote the welfare of the student

community were so obviously inconsistent with the theories on which terrorism is based, that a distinct revulsion of feeling was apparent. If these views be sound, it follows that Government's best course is to hold on to the policy it has adopted. The change in the general political atmosphere of the province and the practical cessation of recruitment to the terrorist ranks augur well for the future, and give promise of conditions in which the detenu problem will be susceptible of 'liquidation'—to use a rather over-worked word—save in respect of a few irreconcilables who may require special handling and treatment. At these later stages a certain amount of 'missionary' effort may be useful. But at this stage the suggestion of Sir Charles Tegart is not only out of time, but in my opinion it never would have had a real prospect of substantial success. On the other hand, the policy which Government has pursued finds ample justification in the present state of public feeling in the province accompanied as it is by a decay of the terrorist mentality".

In conclusion I would only add that we recently set up a thoroughly representative committee to consider the better organization and control of "youth movements" in the Province. The committee have just reported and I shall consider carefully in due course whether any of their recommendations can be applied towards the solution of this troublesome problem.

Yours sincerely,
JOHN ANDERSON

I38

Viceroy to Governors on Hoisting Congress Flag on Government Buildings

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI.

March 27th 1937

[Personal & Confidential.]

MY DEAR—

I have received enquiries which indicate that Governors of Provinces, where there may possibly be a Congress Ministry, would be glad of guidance as to the line which they should take if such a Ministry should attempt to issue instructions for the hoisting of the Congress flag on Government buildings. The matter is evidently one in which a common

policy should be pursued and it is not covered by such instructions as have been issued in the past regarding the attitude of Local Governments to the use of the Congress flag on buildings belonging to local bodies.

2. Until a distinctive national flag is adopted for India, the Union Jack, which is the Imperial flag proper, must be regarded as the only emblem of authority which is consistent with India's position as an integral part of the British Empire. The Congress flag, on the other hand, is the emblem only of a particular political party and is not accepted or recognised by the Muhammadans or by other loyal section of the Indian public. its display on Government buildings in place of the Union Jack could, therefore, only be regarded and intended to be regarded as symbolic of the establishment of Congress rule in supersession of the King and Parliament and a Ministry which attempted to carry out such a proposal would show itself to have an entirely wrong conception of its own constitutional position under the Government of India Act. In my opinion, therefore, any such attempt must be stopped at the outset and those concerned must understand that this is a matter on which no compromise is possible.

3. Such enquiries as I have been able to make regarding the statutory authority for the use of the Union Jack in India or the Dominions have yielded somewhat indecisive results, and this is a matter which may require some further enquiry. This is an aspect of the question, however, which would have importance only from the point of view of preventing legislation under section 108(1)(a), and it is more likely that an attempt to fly the Congress flag would be by way of executive order. From this point of view the position is clearer, more especially in view of the fact that the Ministry as such has no power to issue executive orders but can only advise the Governor, with whom all executive authority rests under section 49(1). There are three possible way in which a Governor to whom such advice was tendered might deal with the situation.

4. In the first place, section 2 of the Government of India Act withdraws to the Crown all rights, authority and jurisdiction incidental to the Government of the territories in India, except in so far as they may be specifically delegated to the Governments set up by the Act. Similarly having regard to established usage and the realities of the situation I think there should be no difficulty in holding that an order to hoist the Congress flag on Government buildings would also be an order "affecting the sovereignty, dominion or suzerainty of the Crown in any part of India" for the purpose of section 110(b) (i) of the Act. From either point of view, therefore, an order to hoist the Congress flag would transgress the executive authority of the Province and the Governor could not use his executive authority to give effect to it.

5. In the second place, the Governor would, I think, be justified in holding that the matter was one involving his special responsibility under section 52 (1) (a). By virtue of the terms of Section 50 (3) his decision on this point will be final and although from a strictly legal point of view there might be no immediate menace to peace and tranquillity, I think that the Governor would be entitled to take a longer view and to have regard to the probable future effects of allowing such action to be carried out. There can be little doubt that acquiescence in the displacement of the Union Jack, which is the only flag acknowledged by all parties and communities in India, by an emblem symbolic of the establishment of the Congress as the supreme power must in the end lead to widespread disorders and that the Governor would, therefore, be justified in taking a very serious view of this apparently innocent proposal. In that case he could use his individual judgement in refusing the advice of his Ministers and they would have no other power of issuing executive order.

6. The last alternative would be to inform the Ministry that a proposal of this kind, indicating a signal failure to distinguish between the State and the Party, was so radically at variance with the constitution that the Ministry which put it forward could no longer retain his confidence and that if they persisted in pursuing the proposal, he would be constrained to dismiss them from office under the provisions of section 51(1) of the Act. It is quite possible that if a Ministry which had recently taken office understood that this would be the result of the proposal, they would hesitate to force a crisis at this stage on an issue which would certainly not command the support of the general public in India.

7. I do not desire to fetter your discretion as to which of these possible lines of action you should adopt in the first instance. But you will no doubt be able to adapt your policy to those with whom you have to deal. I am for the present mainly concerned to make it clear that you would have my full support in adopting any necessary measures to block such a proposal, and I think that if the Ministry clearly understand that you do not intend to give way on this point and have full power to enforce your decision, the precise means by which you intend to do so will not be a matter of great importance.

Yours,
LINLITHGOW

139

*C. Rajagopalachari's Statement on the Need for Assurance**The Hindu, 27 March 1937*

Having been called by the Governor I intimated the condition on which I could take up responsibility and discussed the matter with him on March 25, 26, and 27. I explained that I and my Cabinet should be given the fullest freedom of action inside the scope of provincial autonomy said to be given under the Government of India Act, and that, while we remained in office and undertook responsibility of the Government of the province, His Excellency should assure us that he would not use his special powers of interference or set aside the advice of his Ministers. I regret to say that beyond a general offer of goodwill and co-operation His Excellency has refused to assist me with any assurance of non-interference formal or informal. I had, therefore, no option but to express my inability to take up office under these conditions and respectfully decline the invitation to form a Ministry.

In the course of my conversations with His Excellency I explained the position as clearly as I could. I pointed out that what we wanted as a condition precedent to the undertaking of responsibility was not an amendment of the statute now and here or any extension of the very limited scope of provincial autonomy but that even while the safeguards remained intact as regards possible interferences from the Secretary of State and the Viceroy we should have a gentleman's agreement between His Excellency and me, whom he has called, that his own discretionary powers of interference as a provincial Governor should not be put in motion.

I explain that when a provincial Governor invites me on the basis of the verdict of the electorate to form the Government and undertake responsibility, he has the right under the Act to give me an assurance of non-interference. That we felt as necessary for the efficient discharge of that responsibility. If it be true that real discretion is given to the Governor of a province it must be within his power to use it or not to use it, and if he is convinced that he can get an atmosphere and the psychology necessary for the efficient discharge of Cabinet responsibility only by assuring non-interference he could use his discretion best only by such non-use. To deny that right to the Governor of a province is denial of provincial autonomy. It amounts to seeking to govern India from Downing Street through the old bureaucracy.

If it is remembered that our party has been returned in this province by an overwhelming majority of 152 in a House of 215 in spite of

communal and special reservations of all kinds imposed on us and that our party has been returned in a majority even to the Upper House, the refusal of a gentleman's agreement that we have demanded within the framework of the Act is the denial of the claim solemnly made that Governor's provinces will be constituted on the basis of full responsibility and that we could achieve progress and full freedom through the exercise of provincial autonomy.

It will be impossible for us to undertake the governance of a province after the history of antagonism through which we have passed unless, at the outset, we were expressly assured of such treatment as Ministers were entitled under the Parliamentary system of popular Government and of unqualified loyalty of the permanent services which is impossible, if the officials of a department should be looking to the Governor for the exercise of his especial powers of interference at any and every stage under various formulae.

Only an express assurance could have dispelled natural fears and apprehensions. To undertake responsibility without such previous assurance and to depend on our breaking off, as and when an occasion arose, would not have been either wise or proper. It would place us in an impossible position. The experiment was worth trying only if there was a clear indication on the other side of readiness to part with power at least in the provincial sphere and refusal of this at the threshold is better for the nation than a breakdown after passing through humiliating conditions suffered in silence.

140

Abdul Wali to Nehru on a Possible Coalition Between Congress and Muslim League (Extract)

AICC File No. G 5 (1)/1937

BARABANKI

28 March 1937

"...I have been fretting over the fact that Khaliq is cutting himself asunder from the Congress. It is his too great ambition and too much reliance on his own tactics that has led him astray. However, with the concurrence of Rafi Qidwai I approached Khaliq last evening to suggest that it was never too late to mend and that he might even now leave that wretched group and its leadership. Well, that has nothing to do with you. That was a matter between me and Khaliq. But during the course of conversation between me and Khaliq it transpired that a scheme is

being hatched with the help of Pantji and Mohanlal to bring about coalition between the Congress and League parties in the Assembly. To tell you the truth, I am deadly against it.

My conviction is that the Congress will not be doing its duty to the Mussalmans of India if it ever thought of making pacts and coalitions with the Muslim League. The Congress belongs as much to the Mussalmans as to the Hindus. It can very well make coalition or enter into pacts with Socialist group—but it can not do any such thing with any of the communal groups. That would mean that the Congress disowns that particular community and treats it as an alliance. My idea is that once the Congress enters into pact with the Muslim League it loses the right to ask the Muslims to join it. Even in 1916 when I was the paid assistant secretary of the Muslim League, I opposed the idea of the pact¹ but I was too small a man to command any respect for my view from big bosses.

Then we have to consider the position of the Muslim League. It can not claim the support of the whole Muslim community. What is the use of entering into contract with an organisation which cannot deliver the goods. The Congress cannot consider the case of U.P. singly just to afford facilities to a particular individual. The provinces in which there is a Muslim majority, the Muslim League is nowhere.....”

¹ Lucknow Pact.

I4I

*Viceroy to Secretary of State on Dissemination of Government's
Stand Regarding Congress Demand*

L/P.O./6/99(1)

28 March 1937

Telegram No. 251-S

Private and personal. You will by now have heard of Rajagopalachari's refusal. Erskine has at once started endeavours to form alternative ministry and has approached Sastri but his difficulties are considerable owing to overwhelming Congress majority and he is likely to wish postponement of meeting of legislature till July. Brabourne telegraphs that Dhelavi is willing to form ministry if he can get support. He is to see him again on Monday morning. No developments as yet from Bihar, United Provinces or Central Provinces, in all of which Congress leaders

see Governor tomorrow. Gowan reports the Khare was very friendly and most anxious to take office but bound down by high command. Leader in Orissa has indicated to the press that he is most unlikely to be able to take office and is replying by post to Hubback. Nehru's comment is "I am perfectly satisfied at turn events are taking. The Congress position is perfectly clear as we propose to go straight on and we hope to put an end to this constitution before long".

2. Your telegram dated March 27th. I wholly agree as to importance of influencing London press comment and fully accept line you propose. I suggest that following points, of which I attach especial importance to (a), might also be brought out:

(a) That gentleman's agreement between Governors and Chief Ministers designate as to use of special powers would be *extra legem* and in direct conflict with intentions and will of Parliament as expressed in the Act. Much will be made of this western suggestion by Congress publicity and I would like *Times* if possible to go as far as saying that Act being what it is no Governor who gave such undertaking could continue to hold office for a day. I am anxious to extinguish finally the least spark of hope that Congress may harbour of getting out of me a formula qualifying special powers.

(b) Contrast between terms of Congress resolution, which leave it to leaders to satisfy themselves as to attitude of Governors, and positive demand for specific assurances by Governors which have now been put forward in Madras and Bombay.

(c) Fact that Erskine and Brabourne emphasised that, while there could be no question of assurances, which for constitutional reasons were impossible, they made it clear that a Congress ministry could rely upon.

I42

Address of Jayshankar P. Bhojak on Princely States and Praja Mandal¹
(Extract)

Gujarat State Archives, Baroda
Conf. File No. 129/1928-39

29 March 1937

The Indian Rulers are so fond of power that they will, never of their own accord, give responsible Government to their subjects. These states

¹ As chairman of the Reception Committee delivered the address at the 14th session of the Baroda Praja Mandal held at Viznagar on 29 March 1937.

can be divided into three classes. The first consists of very small estates like those of Pandu Mewas where the administration is monstrous. The Rulers attach more value to their cattle than to human beings. The authorities are used to commit inhuman atrocities, and they only deserve to be abolished. The second class consists of states somewhat larger than those mentioned above. The concern of their Rulers is only to get money for their own pleasures. No one should come in the way of their merry-making open or secret. Do not ask for any rights, simply pay up the revenue. So long as the Ruler and his attendants are kept pleased, there would be no trouble. Eat, drink and be merry. The last class consists of bigger States where the Rulers and their Ministers are refined and have the advantages of foreign travel and civilization. They introduce reforms on the model of British India and try to improve the conditions of their subjects. But all this on one condition viz "only take what we give, live as we keep you". This sort of mentality has not yet vanished from any Indian State. Our State is no exception to this to some extent. We may ask for more privileges, but not as a matter of right what we get is only a matter of grace.

This mentality will be changed if the scheme of Federation with British India materialises. Though unlimited powers are reserved to the Indian Rulers in the proposed scheme of federation, the times have so much changed that it will not be possible for any Ruler to exercise these powers. Public opinion has great force and willingly or unwillingly the authorities have to respect it. . . .

According to my experience of Praja Mandal work, I suggest the following programme of work:-

- (i) we should serve the villagers and the *Shahukars* residing in towns.
- (ii) we should help the villagers in all their affairs, such as ventilating their grievances, reduction in their expenses, removing their dread of small and big government servants and their ignorance of their political rights etc.
- (iii) we shall have to show better ways and means of earning to the *Shahukars* and promote harmonious relations between them and the villagers and help them to save themselves from government levying taxes on them improperly.
- (iv) we shall have to take up government schemes for the benefit of the people, try to work them successfully and suggest changes where necessary.
- (v) we shall have to capture all popular institutions so that the government may feel our weight.
- (vi) we shall have to remove the evils of corruption, drink and sycophancy and also to mitigate the oppression of the Police and Revenue departments wherever found.

- (vii) we shall have to improve the standard of living of the villagers.
- (viii) The most important part of our work will be to rouse the feeling of deep respect even among the poorest of the villagers.

Steps to be taken to carry out the programme.

- (i) There should be a committee of the elected members of Dhara Sabha which should study questions relating to all matters affecting the interests of the people, collect necessary facts and figures, hold consultations with State officers and guide the policy of the State for the welfare of the people.
- (ii) *Ashrams* should be started in all *talukas* for the service of the people. They should help the above committee and also create an awakening in the people.
- (iii) Volunteers will, be required to conduct these *ashrams*.
- (iv) The rich should be approached for help. There is no dearth of such people in the State. Their sympathy should be enlisted.
- (v) Problems of rural uplift should be taken up by the *Praja Mandal*.
- (vi) Our schemes of co-operation have failed. The *panchayats* should be made more influential. Their members should be made to reflect the opinion of the people on all question concerning them.
- (vii) Only those who can work should be taken up on working committee. They should help in the activities of the *ashrams* and tour their respective *talukas* once at least in three months.
- (viii) *Taluka mandals* should be established. The *Prant Mandal* should consist of the Presidents and secretaries of the *taluka mandals*. It should meet once in two months and carry out whatever work is found necessary in a *taluka* by sending there a number of workers from all over the *Prant*.
- (ix) The head of office should be made strong and it should be considered a duty to maintain it.
- (x) Two young enthusiastic men should be obtained from each village for its work.
- (xi) The villagers should be taught the ways of realizing greater prices for their produce and be made self-reliant by co-operative schemes.
- (xii) The problem of agricultural credit should be taken up. The *taqavi* policy of the Government requires to be reformed, as the present system of recovering these dues is found to be harsh. The Debt Regulation Act does not much improve the lot of the agriculturists. The real remedy will be to teach them to start their own banks with small shares to be conducted by independent managers who would lend and recover money discretely.

Unless there is strength behind the *Praja Mandal*, its demands will not be complied with. *Praja Mandal's* voice is heard no doubt: still some of its demands are not granted. This is due to its weakness. We should remove this weakness i.e., we should awaken and strengthen public opinion. The demands should be backed up by such a public opinion....

Congress and *Praja Mandal* are two separate institutions and the fields of their activities also are different, but the ideal of service binds them in one chain. The *Praja Mandal* derives its inspiration from the Congress and at the proper time the subjects of Indian States will get active help from the Congress to reach their goal....

I43

Viceroy to Secretary of State on Summoning of Legislatures in Congress Provinces

L/P.O./6/99(1)

29 March 1937

Telegram No. 261-S

Private and personal. Gowan telegraphs that Rao who has agreed to form ministry feels very strongly that to expose new ministry to the immediate risk of a vote of no confidence which would certainly be carried would be unwise and would make his position extremely difficult; as he and Gowan are strongly in favour of postponing any meeting of Assembly. In Madras Erskine equally strongly urges that meeting should be postponed there until July at the earliest with an interim Cabinet functioning in the meantime.

2. I am myself, as stated, in favour of early meeting of these provincial legislatures, though for formal purposes only. But I am advised that there is no method of avoiding a vote of no confidence, if one were put down even on the occasion of a merely formal meeting; and accepting, as in the light of your views I do, that it is undesirable that formation of ministry should be postponed until after legislature has been sworn in, I fully accept view of Gowan and Erskine as to unfortunate moral effect on position of a ministry of an overwhelming vote of no confidence. I propose therefore to inform Congress Governors that it is left to their discretion, in the light of their local circumstances and after consulting with their ministers, to decide on dates on which legislature shall be convoked but that if they decide to postpone meeting until July or August they will be entirely within their rights in doing so. Could you telegraph urgently whether you agree?

I44

Nehru to Abdul Wali on Opposition to Coalition With Muslim League

AICC File No. G 5 (KW) (i), 1937

30 March 1937

MY DEAR WALI,

I have just received your letter.¹ I am very glad you wrote to me, because I value your opinion and especially at the present moment when we are all thinking hard how to deal with the Muslim position in the Congress.

About Khaliq I need hardly tell you that I have myself been much put out at the way he has been drifting away from the Congress. For so many years past I have had a warm corner in my heart for him and I believe that my affection for him is reciprocated. It has grieved me therefore to find that political developments seem to be driving each one of us away from the other. For nearly a year I have neither seen him nor corresponded with him. I would be happy indeed if he broke loose from the reactionaries who surround him.

I am surprised to learn from your letter about a scheme being hatched to bring about a coalition between the Congress and the League Party in the assembly. I had not heard anything about it. I am entirely opposed to this as I am opposed to all pacts and coalitions with small groups at the top. So far as I know my colleagues of the Working Committee are also opposed to it. Abul Kalam Azad who is here at present also definitely opposes it.

But what worries me is the larger question of getting Muslims in a body to join the Congress and to get rid of their vague suspicion of that body. For undoubtedly there is that suspicion and hitch. I wonder if you have any suggestions to offer. If so do write to me.

Yours sincerely,
JAWAHARLAL NEHRU

¹ See No. 140

145

Craik to Baden-Powell on Dropping out the Song Bande Mataram from the Book "Scouting for Boys in India"

Brabourne Papers

30 March 1937

DEAR LORD BADEN-POWELL,

Recently it was pointed out to me that an extract from the song "Vande Mataram" is included in the national songs on page 277 of the second edition of "Scouting for Boys in India", and I notice that in "Hints to Instructors" on page 270 the teaching of the words of the song is suggested. Although the passage quoted, and indeed the song generally, is harmless, it actually originated as a 'hymn of hate' against Muslims. The context in which it appears in Chapter X of Bankim Chandra Chatterji's novel "Ananda Math" is briefly as follows.

The song is sung by Bhabananda who is invoking the 'Mother'. He exclaims, "The Hinduism of the Hindus cannot be maintained unless the 'bearded drunkards' (the Muslims) are expelled". Then there is the following conversation:-

Mahendra: "How will you expel them?"

Bhabananda: "By killing".

Mahendra: "You alone will expel them? With a single slap?"

By way of answer Bhabananda sings three lines of the song (which are included in the extract in 'Scouting for Boys in India') and which, freely translated, read, "Why is 'the Mother' called Abala? She has at her call the mighty roar of seventy million throats, and sharp swords in twice seventy million hands." Bhabananda then says, "The Englishman does not run away for fear of his life. The Muslim, forsooth, when he begins to sweat, calls frantically for sherbet. The English have determination. They carry out what they resolve. The Muslim is lackadaisical. Lastly about courage, the sight of a single cannon ball will cause a crowd of Muslims to fly, but a crowd of cannon balls cannot scare away a single Englishman."

Notwithstanding this anti-Muslim and rather pro-English origin, the leaders of the Bengal revolutionary societies borrowed many ideas from this novel, and the special vow which had to be taken by members of one of the largest terrorist organisations in Bengal during the anti-partition agitation, was practically the same as that in the book which was taken by the adherents of the Sanyasis. For many years the phrase

"Vande Mataram" has been literally the war cry of the terrorists in Bengal, and although the words simply mean 'Hail Mother' they are commonly shouted as a slogan by terrorists when committing outrages, and by others as an outward sign of sympathy with revolution and of defiance against Government.

The song has really no claim to be regarded as a national song, and having regard to its origin, and its subsequent revolutionary associations, I cannot help feeling that it is inappropriate for inclusion in "Scouting for Boys in India." I therefore hope you will not mind my writing to ask you if it would not be possible to drop it quietly in the next edition of the book.

Yours sincerely,
H.D. CRAIK

146

Gandhi's Statement¹ to the Press Claiming Sole Authorship of the Office Acceptance Clause of the Congress Resolution

The Hindu, 30 March 1937

Having brooded over the refusal of the Governors to give the assurance asked for by inviting Congress leaders in the majority Provinces, I feel that I must give my opinion on the situation that has arisen in the country. I have had three cables from London shown to me asking for my opinion. Friends in Madras too have pressed for its publication. Though it is departure from my self-imposed rule, I can no longer withstand the pressure especially as I am the sole author of the office-acceptance clause of the Congress resolution and the originator of the idea of attaching a condition to office-acceptance.

My desire was not to lay down any impossible condition. On the contrary, I wanted to devise a condition that could be easily accepted by the Governors. There was no intention whatsoever to lay down a condition whose acceptance would mean any the slightest abrogation of the Constitution. Congressmen were well aware that they could not and would not ask for any such amendment. The Congress policy was and is not to secure an amendment, but an absolute ending of the Constitution which nobody likes. Congressmen were and are also aware that they

¹ Issued on 30 March 1937

could not end it by mere acceptance of office, even conditionally. The object of that section of the Congress which believed in office-acceptance was, pending the creation, by means consistent with the Congress creed of non-violence, of a situation that would transfer all power to the people, to work with the offices so as to strengthen the Congress which has been shown predominantly to represent mass opinion. I felt that this object could not be secured unless there was a gentlemanly understanding between the Governors and their Congress Ministers that they would not exercise their special powers of interference as long as the Ministers acted within the Constitution. Not to do so would be to court an almost immediate deadlock after entering upon office. I felt that honesty demanded that understanding.

It is common cause that the Governors have discretionary powers. Surely there was nothing extra-constitutional in their saying that they would not exercise their discretion against Ministers carrying on constitutional activities. It may be remembered that the understanding was not to touch the numerous other safeguards over which the Governors had no power. A strong party with the decisive backing of the electorate could not be expected to put itself in the precarious position of being in dread of interference at the will of the Governors. The question may be put in another way. Should the Governors be courteous to the Ministers or discourteous? I hold that it would be distinctly discourteous if they interfered with their Ministers in matters over which law gave the latter full control and with which the Governors were under no legal obligation to interfere. A self-respecting Minister conscious of an absolute majority at his back could not but demand the assurance of non-interference. Have I not heard Sir Samuel Hoare and other Ministers saying in so many words that ordinarily the Governors would not use their admittedly large powers of interference? I claim that the Congress formula has asked for nothing more.

It has been claimed on behalf of the British Government that the Act gives autonomy to the Provinces. If that is so, it is not the Governors but the Ministers who are during their period of offices responsible for the wise administration of their Provinces. Responsible Ministers sensible of their duty could not submit to interference in the pursuance of their daily duty. It does therefore appear to me that once more the British Government has broken to the heart what it has promised to the ear. I doubt not that they can and will impose their will on the people till the latter develop enough strength from within to resist it, but that cannot be called working provincial autonomy.

By flouting the majority obtained through the machinery of their creation, they have in plain language ended the autonomy which they claim the Constitution has given to the Provinces. The rule therefore

will now be the rule of the sword, not of the pen, nor of the indisputable majority. Anyway that is the only interpretation which, with all the goodwill in the world, I can put upon Government action. For I believe in the cent per cent honesty of my formula whose acceptance might have prevented a crisis and resulted in a natural, orderly and peaceful transference of power from the bureaucracy to the largest and fullest democracy known to the world.

147

*Linlithgow to Zetland on Consistency of Government's Line of Action
Regarding Congress Demand for Assurance (Extract)*

Zetland Papers

30 March 1937

...I will not discuss in any detail the political situation, which is still to some extent fluid. It is now, of course quite clear that Congress will not play in any of the Provinces except on terms which we are not prepared to accept. This is, of course, regrettable, and we both equally, I am sure, feel that their decision and their tactic have been short-sighted to a degree. I am only thankful that we have been so consistent in our refusal to enter into any agreement or to make any concession to the Congress in the hope that by doing so we should get them to modify their attitude, and I have the impression that they are surprised or even chagrined at the consistency and solidity of our front. There are, indeed, signs of a disposition in certain quarters of the Congress Press to suggest that there has been a degree of co-ordination of the attitude of Governors which is exceedingly reprehensible! I am not enthusiastic about the situation with which we are now faced, but there is nothing for it but to make the best of it and I am sure that it is important to bear in mind that whatever difficulties we are having in the so-called Congress Provinces, the Constitution is being worked and worked, too, without any assurances as to the use of special powers, or any demand for such assurances, in Bengal, the Punjab, Sind, Assam (and I have reasons to hope) the North-West Frontier Provinces. It would have made a great deal of difference if Dehlavi had been able to form a Ministry in Bombay, and I still can see no really adequate reason, other than the rather maleficent presence of Jinnah, for his failure to do so. Brabourne is, I know, disappointed. I pin my hope at the moment on Raghavendra Rao in the Central Provinces, who, from all I have heard, if he is given time, may have quite a good prospect of detaching some of the Congress majority

and getting support for a reasonable policy. Hallett in Bihar is faced with a difficult situation owing to the smallness of the minority parties, but he proposes to start off with a Mr. Yunus and the Moslem group for which he speaks, and try to form a Government with his help. You will have already heard of the arrangements which Erskine is making.....

148

Nehru to Pant Against Coalition with Muslim League

AICC File No. E-1/1936-37

ALLAHABAD 30 March, 1937

MY DEAR PANTJI,

I have just received a letter from an old Muslim friend whose opinion I value¹ in the course of this letter he says that "a scheme is being hatched with the help of Pantji and Mohanlal to bring about coalition between the Congress and League parties in the assembly". I am surprised to read this and I can hardly believe that there is anything behind it. Still I am referring the matter to you, because it has been brought to my notice under the best of auspices. I am personally convinced that any kind of pact or coalition between us and the Muslim League will be highly injurious. It will mean that we almost lose our right to ask the Muslims to join us directly. It will mean many other things also which are equally undesirable. But I need not go into this matter in any detail. Abul Kalam Azad, as you know, is strongly opposed to it.

As I told you on the telephone last night I have telegraphed to Vallabhnbhai suggesting to him that a meeting of the parliamentary sub-committee be held here about the 7th April. Abul Kalam is keen on this and I think, on the whole, that it will be a good thing to have the meeting. But we must have Working Committee meeting also before long.

Yours sincerely,
JAWAHARLAL NEHRU

¹ See No. 140

I49

Jayprakash Narayan's Circular on the Role of the Socialist Party in the Congress (Extract)

J.P. Papers F. No. 2/1934-39

Circular Letter No. 4

PATNA 31 March 1937

*To Provincial Secretaries
The A.I.C.C. Division*

The fight that the Party put up at the A.I.C.C. meeting in Delhi is known to all members. From both the debating point of view and the big vote in favour of the party's amendment, our stand in the A.I.C.C. was very successful and won the admiration of all present.

Following on the decision for acceptance of ministerial offices, the Party had to consider its position. . . .

The Committee decided that it was not necessary at this stage for these comrades to resign their seats in the legislatures. On the other hand the committee also decided that members of the Party who might be offered ministerial office should not accept it. There was no objection, however, to accepting the Presidentship of an Assembly or Council. . . .

The Executive reviewed the position of the Party in the T.U.C. . . . After a full discussion the following conclusions were reached.

The Party should have a more clearly defined labour policy and within the T.U.C. it must stand as a homogenous group. For this it is necessary that Party members should function as a disciplined group carrying out party decisions. The party Executive should meet and lay down policy if possible in consultation with the T.U. fraction of the Party, before T.U. meetings. In the absence of an Executive meeting, the Party fraction should meet and take decisions. . . .

Enquiries have been made as to the policy to be followed with regard to formation of what is termed a 'left bloc' in the Congress. The Executive discussed this question and decided that it would be inadvisable to give an organizational shape to any such bloc. Blocs formed within the Congress on specific questions are large or small depending upon the nature of the question. Any attempt to circumscribe this process by forming an organization with a definite constitution and program would only retard this process and the growth of the left movement. . . .

150

*Nehru's Circular on Contact with Muslim Masses**AICC File No. P-1/1937-38**31 March 1937*

During our election campaign and subsequently there has been much discussion about increasing Congress contacts with the Muslim masses. Wherever we went we found a willing response from them, an eagerness to hear the Congress message, and a desire to line up with our freedom movement. But the lack of previous work amongst them, and the paucity of trained Muslim workers, prevented us from taking full advantage of this new interest and awakening. Since then the subject has engaged the earnest attention of leading Congressmen and it has been felt that we must make a special effort to enrol Muslim Congress members, so that our struggle for freedom may become even more broadbased than it is, and the Muslim masses should take the prominent part in it which is their due. Indeed when we look at the vital problems facing the country, the problem of independence and of the removal of poverty and unemployment, there is no difference between the Muslim masses and the Hindu or Sikh or Christian masses in the country. Differences only come to the surface when we think in terms of the handful of upper class people. Even these differences are no doubt capable of adjustment if approached in a friendly manner and with the larger viewpoint always before us.

The first thing to be done is to concentrate on enrolling Muslim members of the Congress. With a large membership, they will inevitably play an important part in Congress work and will help in shaping Congress policy. I suggest to your committee therefore to pay special attention to this matter and take immediate steps to organise enrolment of Muslim members. I know that large numbers are waiting to be approached by our workers and will gladly join.

I suggest also that each Provincial Congress Committee should appoint a special committee to consider and take in hand this work of increasing Congress contacts with the Muslim masses, rural and urban. This Committee will not lay down any policy for that is the work of the Provincial Congress Committee. It will concentrate on the enrolment of members and otherwise entrusting the Muslims in the day to day activities of the Congress. These activities will not of course be carried on separately by the Muslims but by Congressmen generally in each particular area.

The office of the All India Congress Committee is starting a separate department for this purpose and we shall gladly help with advice, leaflets, pamphlets, etc. The provincial Muslim Mass Contact Committees will naturally work under the direction of their P.C.Cs. But it would be desirable if they kept in direct touch with the A.I.C.C. office.

There is one other matter to which I should like to draw your attention. Complaints reach our office sometimes that notices of meetings, etc., are not always issued in Urdu and so many people remain ignorant of our activities and cannot join our meetings. These complaints are often justified. I should like you therefore to impress upon your district and local committees to issue notices in Urdu in all areas where there is an Urdu reading population. This will apply more specially to the Punjab, Delhi and U.P. and to the larger towns elsewhere.

ISI

Viceroy to Secretary of State on Hoare's Observation Regarding Governor's Use of Power of Interference

L/P.O./6/99(1)

31 March 1937

Telegram No. 285-S

Private and personal. My private and personal telegram of 30th March. Gandhi's statement. His remark¹ "have I not heard Sir Samuel Hoare and other Ministers say, in so many words, that ordinarily the Governors would not use their admittedly large powers of interference. I claim that Congress formula has asked for nothing more" has attracted considerable attention and it is, I think, worthwhile ensuring that no wedge is driven between our present attitude and that of H.M.G.'s attitude in the past over it. The reference is perhaps to question 5978 in Proceedings of Joint Select Committee which, of course, makes it perfectly clear that all Hoare had in mind was that, if Ministers behave reasonably, it would be unnecessary for a Governor to use his special powers.

I think, if you agree, it would be well to let Hoare have text of this and any other references (possibly in debate) which may occur to you as appearing to justify Gandhi's thesis, with a view to Hoare taking an

¹ See No. 146

opportunity (or more appropriately perhaps to yourself, with his concurrence, so far as may be necessary, taking an opportunity) to make it clear in reply, e.g., to a press enquiry or the like that essential difference is difference between formal contracting by Governors out of provisions of the Act in relation to their special obligations, and a state of things in which give and take between Ministers who have accepted office and a Governor make it, in practice, unnecessary to make much, or any, use of special powers. But that it is quite clear no suggestion was at any stage made or contemplated that Governors should or could give an assurance or enter into any understanding or convention as to actual discharge of these obligations and use of their powers, nor would it be or have been possible for them to do so consistently with the terms of the Act and Instrument of Instructions.

152

Memorandum by the Secretary of State on Provincial Ministries in India Circulated to the Cabinet

L/P.O./6/99(1)

INDIA OFFICE, 31 March 1937

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

In my memorandum C.P. 96(37)¹ I informed my colleagues of the result of the recent provincial elections in India under the Act of 1935, which gave the Congress an absolute majority in five Provinces—Madras, the United Provinces, the Central Provinces, Bihar and Orissa—and much the largest single Party (though not a clear majority) in Bombay. I have now to report the nature of the negotiations in these Provinces which, as announced in the Press here on 27th and 29th March, have led to the refusal of office by the person approached by the Governor in each of these six Provinces as the leading Congress representative.

2. The decision to accept office subject to conditions was arrived at by the All-India Congress Committee at a meeting held at Delhi on 18th March, which accepted with some modifications (commonly regarded as a victory for the Right Wing) a resolution proposed for acceptance of

¹See No. 107

the All-India Committee by the "Working Committee" of the Congress (the "Inner Cabinet" of the organisation). The relevant passage in the resolution, which was accepted by a somewhat narrow margin after a vote, was in the following terms:

"On the pending question of acceptance of office, the All India Congress Committee authorises and permits acceptance of offices in the Provinces where Congress commands a majority in the Legislature, provided that Ministerships shall not be accepted unless the Leader of the Congress Party in the Legislature is satisfied and able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities."

3. The general attitude of Congress, at all events as expressed by its head Jawaharlal Nehru, since the passage of the Act and even during the elections, had been indicated as being refusal to have anything to do with the Act and consequently to accept office under it. But for some weeks past it has been apparent that there has been a cleavage of opinion on this matter between the Central Caucus and the provincial representatives; and this cleavage became more pronounced when the elections had produced Congress majorities in several Provinces. All the indications then were that the provincial leaders who, and whose followers, had made a number of electoral promises, were anxious to assume office.

4. The Congress resolution, it will be noted, had the appearance at all events of leaving it to the judgment of each prospective Chief Minister to decide for himself whether he regarded the assurances he was able to obtain from the Governor as satisfactory. On this interpretation it was anticipated by most of the Governors, by the Viceroy, apparently by the provincial leaders, and by the Press throughout India that a Congress Chief Minister in each Province would find himself in a position to assume office, assisted perhaps by some general statement on the part of the Governor.

5. Meanwhile, the Viceroy and I had decided that it would be quite impossible for any Governor to give any undertaking which would amount to a promise not to exercise the special powers vested in him by the Act and reinforced by paragraphs VIII of the Governors' Instrument of Instructions, though it was entirely agreed between us that every Governor could, and indeed should, give the fullest promises of help, sympathy and co-operation to any Congress Ministry accepting office.

6. The Governors of the six "Congress" Provinces accordingly opened negotiations with their prospective Chief Ministers, during the course of which the latter, quite clearly acting on instructions from the Caucus, and equally clearly in most cases against their personal

inclinations, insisted as the only condition upon which they could form Ministries that the Governor must give them an assurance which they might make public "that in regard to the constitutional activities of his Ministers His Excellency will not use his special powers of interference or set aside the advice of my Cabinet." Incidentally it may be mentioned that the Madras Congress representative had endeavoured as an alternative to secure the agreement of the Governor—and has given publicity to the fact—to an understanding that "even while safeguards remained intact as regards possible interference from the Secretary of State and the Viceroy, we should have a gentleman's agreement between His Excellency and me that his own discretionary powers of interference as Provincial Governor should not be put in motion." The Governors of the six Provinces, therefore, after the fullest consultation stage by stage with the Viceroy and myself, have necessarily informed the Congress representative whom each of them had invited to form a Ministry, that they cannot agree to the condition proposed and negotiations have thus come to an end. In some Provinces the Congress leader has published statements in which he has attempted to argue the reasonableness of his demands and the unreasonableness of rejecting them. The reasonableness or otherwise of the demands can be judged by Mr. Gandhi's statement (in the course of the interview published in the Press on 30th March in which he claimed authorship of the formula) that the policy of the Congress was not to secure an amendment of the Constitution but an absolute ending of it.

7. In all six Provinces the Governors explained in Press Communiqués the course of their negotiations with the several Congress representatives, and have now asked a leader of minority parties to form a Ministry. At the moment my information is that such Ministries have definitely been formed or are in process of formation in Madras (six members), the Central Provinces (four members), Orissa (five members) and Bombay (four members), and that an invitation to form such a Ministry has been accepted also in the United Provinces. The one Province as to which I have no definite information as to the result of the invitation given by the Governor is Bihar. Obviously, however, even if such Ministries are formed in all six Provinces this can only be a temporary expedient.

In the remaining Provinces, of course—Bengal, the Punjab, Sind, Assam and the North-West Frontier Province—Ministries have been formed in the ordinary way, either from the majority party or from a coalition of parties, which should be able to command support in the Legislature and are ready to assume office on 1st April.

8. The Act cannot be worked in any Province (otherwise than temporarily) on any other basis than that of a Governor advised by a

advisable to allow Sir Bejoy to retain this Portfolio. The Muslim League Group are keen on having this Portfolio in the hands of Mr. Suhrawardy, but the Hindus are opposed to it, and I think for very good reasons. If Your Excellency gives it to a Muslim the best man to have it is Syed Nausher Ali; if not, it ought to go to Maharaja of Cossimbazar. Personally, I would consider, the Maharaja to be the best man to have the Portfolio, but I am afraid of the effect it may have on the Muslim members of the Assembly.

Your Excellency will have to consider the following points:

1. The Muslims will be the mainstay of our support, and our political enemies will try to create disaffection in the Muslim Ranks on various grounds. They have been already working against us on account of the 6:5 ratio. Then there is some agitation against us in consequence of the inclusion of too many Zamindars in the Cabinet; there is also an agitation calling upon Muslims to retain five out of seven major Portfolios in Muslim hands. If on the top of this, the L.S.G. Portfolio goes to a Hindu, it will be another handle in the hands of our opponents. Then of course there is the party of Mr. Shamsuddin which is being financed by the Congress in order to carry on an agitation against us. I am trying to meet Mr. Ispahani to-night and will try to reconcile them to the allotment of this Portfolio to the Maharaja. The one thing which they make as a *Sine Qua Non* is the deprivation of Sir Bejoy of this Portfolio and once that is secured, I think a good deal of their opposition to a Hindu being in charge will gradually cool down.

2. The introduction of Provincial autonomy and the enlargement of the size of the Legislature have brought into the arena of politics a large number of ambitious persons who would otherwise have been content to lead a quiet life in the villages. Most of these have come to the Assembly and the Council with hopes of getting something material in return for the trouble and expense they have undergone during the Elections. These people are unfortunately all confined to the Muslim group; the necessity of placating them is therefore all the more imperative as the Muslim group will form the steel frame of our defence in the Legislature. In very few of these people has [sic] the sense of public spirit developed to such an extent as to enable them to put self in the background; they think that the principal advantage that follows from a membership of the Legislature must necessarily be of a personal character.

3. At the present moment, there are the following groups which are more or less hostile, and some of them may combine unless effectively checked:

- (a) Shamsuddin's group. This is confined to the Proja M.L.A's only. I hope I will be able to deal with them.

- (b) A small group led by Rajibuddin Tarafdar of Bogra, calling themselves real Projas. They are under the influence of Farouqi.
- (c) Disgruntled people like Khan Bahadur Abdul Hafez & Maswood Ali Khan Pani.
- (d) Farouqui's group, not so formidable as some people imagine.
- (e) Mischievous people like Ispahani, Nooruddin, Abdur Rahman Siddiqi & others who deliberately create trouble by raising communal issues at every step.

In the light of the above remarks, I wish to say a few words as regards the appointment of the Secretaries and Whips.

Extraordinary ailments require extraordinary remedies and I am definitely of opinion that all possible steps should be taken to ensure stability. I will not hesitate to shrink from taking any step because it is unprecedented or because it will raise hostile criticism.

I find that a very large number of young M.L.A.s are anxious to get some kind of employment in the Assembly. Most of these are young lawyers from the Mofussil, who are a set of struggling Juniors, have practically no prospects at the Bar and who are anxious to get some kind of job which will give them a settled income. Some of these young men are very clever and can be usefully employed as Secretaries and Under-Secretaries; as for the rest, they will be more useful as Whips than for Secretaries at work. I believe we will have to pacify most of these new M.L.A.'s by obliging them in some way or other, otherwise the circle of disaffected and discontented people will grow wider and wider. I annex a tentative scheme for appointment of Secretaries and Whips with suggestions and the salaries they are to get. I am sorry to submit proposals which look rather unusual, but the circumstances are such that I wish to weaken the forces of disruption as much as possible. Besides it would be a useful thing to give a training to a large number of young men so that they may give us relief by doing a good deal of mechanical work in the Secretariat and outside.

Yours sincerely,
A.K. FAZLUL HUQ

154

Haig to Linlithgow on the Formation of Chhatari's Ministry in U.P.

Haig Papers

31 March 1937

[PRIVATE & PERSONAL]

I saw the Nawab of Chhatari on the evening of the 29th and he agreed to try and form a ministry. The following figures may be of interest. The number of those in the Legislative Assembly not elected on the Congress ticket is 95. Of these 66 are Muslims, 27 belonging to the Muslim League and the remaining 39 having a general allegiance to Chhatari. The 29 non-Muslims consist of Hindu zamindars, scheduled castes, special interests and minor minorities—a heterogeneous collection who could probably be controlled for the most part by Sir J.P. Srivastava.

2. When I saw Chhatari on the evening of the 29th, he was in quite good heart and we discussed the possibility, in view of the Congress refusal of office, that a certain number of those returned on the Congress ticket might in the course of four months possibly be won over. I had already ascertained that Srivastava would be willing to work with Chhatari.

3. Chhatari came to see me again yesterday evening, the 30th. He was in rather a defeatist mood. Srivastava had promised his support, but Chhatari's primary task naturally was to try and secure the adhesion of the Muslim League whose leader is Khaliquzzaman, a man very anxious for office and who has been in close negotiation recently with the Congress, from whose views he is not very far apart. Khaliq refused to join Chhatari, his reason being that the new ministry could not last more than four months and that any one who joined it would be politically discredited. Khaliq's own position, however, in the Muslim League is precarious, for there are at least two other aspirants to its leadership. There is to be a meeting of the League on the 4th April. I fear it is impossible to bring it on earlier. It has been agreed that the question of joining a Government should be discussed with the League on that date. They may as a body refuse, or they may split, in which case Chhatari would have no difficulty in securing a Minister from among them. Chhatari, however, indicated that if the Muslim League refused as a body to have anything to do with the ministry, he might find it impossible to go on. Meantime, Chhatari is meeting a number of his own followers on the 1st April.

4. I think Chhatari has been rather shaken by the views expressed by Khaliq. He put to me very definitely two points:

- (a) That it is really futile to take office merely for four months, that they can do no good to the country, and that they would merely damage their own personal reputations.
- (b) That it is likely that the Congress will start an agitation which will require strong repressive measures, and that a ministry in such a position will not be able to take such measures. (This is a valid point, though I have been very careful not to suggest any such thing to Chhatari. Your Excellency will remember that I mentioned the point in para 2 of my telegram No. 1-G of March 20th, 1937).

5. Chhatari has also, at my suggestion, communicated with Chintamani with a view to seeing whether his support could be secured. But he thinks that Chintamani would refuse to join such a government and would be opposed to the principle of forming one. He believes that Sapru is opposed on principle to a minority government being formed. Certainly Sapru when I saw him a fortnight ago expressed that view to me. It appears that he has expressed it also to others.

6. If Chhatari finally abandons the task of forming a ministry, it might still be possible to get someone else to take it on; but I feel it is important not to have a ministry which would be regarded as a mockery and would in fact be a source of weakness.

7. Chhatari hinted that his own attitude might be affected by the question of arrangements in the event of my having to take over the administration after the defeat of the temporary government. He seemed to suggest that if the leaders of this government could look to some provision as advisers under my administration, they might be prepared as it were to cut their throats politically by accepting office under these circumstances. But if at the end of four months they were merely to retire into private life, the prospect would be less attractive.

8. I think in any case it would be desirable now to explore the arrangements that would be suitable if it is necessary to act under section 93. I still hope that it will be possible to form a ministry, but I cannot be confident about it. I fear in any case that the present unsatisfactory state of suspense will have to continue till after the Muslim League meeting on April 4th. I shall see Srivastava today and possibly get some more definite views from him, and I shall keep Your Excellency fully informed of developments.

9. Chhatari in his present mood seems to have given up all hope of securing accretions of strength during a ministry of four months, though my own feeling is that there will be so much disappointment among

Congressmen at not taking office that the situation is not without possibilities. But as he at present views the position, I think he would probably wish to avoid meeting the legislature and therefore the conclusion indicated in Your Excellency's telegram No. 269-S, dated the 30th March may be of value.¹

¹ See No. 51

155

King's Message on the Inauguration of the New Constitution

Brabourne Papers

31 March 1937

'Q' Telegram

From: P.S.V., New Delhi.

To: P.S.G., Bombay 278-S.

The following is the text of the Royal message. Begins. "Today the first part of those constitutional reforms, upon which Indians and British alike have bestowed so much thought and work, comes into operation. I cannot let the day pass without assuring my Indian subjects that my thoughts and good wishes are with them on this occasion.

"A New chapter is thus opening, and it is my fervent hope and prayer that the opportunities now available to them will be used wisely and generously for the lasting benefit of all my Indian people.

GEORGE, R.I."

156

Haig to Linlithgow on Difficulty in the Formation of Interim Ministry

Haig Papers

1 April 1937

Telegram No. G-6. Private and Personal. Chhatari who returned from Delhi this morning in fairly good heart has reported this evening result of today's discussions which are very disappointing. He

approached Salempur who, while expressing personal readiness to join Cabinet, said he would have to resign from Muslim League and has little expectation of bringing any appreciable following. It seems likely that Muslim League will be practically solid against taking office.

2. Chhatari also had a meeting with his own followers. Opinion was divided but there was strong opposition in many quarters to taking office. Zamindars feel that there would be no reality about it, and that they would merely be used as a temporary convenience by Government. The Madras expression "interim government" has made a bad impression on them, and this is much reinforced by Gandhi's statement¹ which they think foreshadows possible accommodation with Congress before long. Moreover, they believe that situation will soon develop in which Government will have to use repressive measures, and frankly they want the Governor to do this and are not prepared to attempt it themselves. Nor it seems do they believe in the policy of making any immediate concessions to tenants or pursuing a really liberal line. They would therefore have nothing to show for their four months' Office.

3. Apart from this there is a general feeling, the result doubtless of Congress propaganda, that a minority government is constitutionally improper and that it will have no moral backing. Chintamani has definitely refused to join Cabinet on this point of principle. It is understood that Sapru is very strongly opposed to it. Maharaj Singh has refused. Liaquat Ali Khan made a strong speech in the meeting today against it. It seems pretty clear that opinion generally is definitely against forming a government.

4. Chhatari gave me to understand that if I pressed him strongly he might agree, as a matter of loyalty but not conviction, to form a government which would probably be confined to four members. But I understood him to say that in that case he would wish to meet the Legislators at once and if beaten there resign.

5. I will have conversations tomorrow with others so as to check up the general accuracy of these views and after reflecting on situation will communicate my own views. I report this meantime for information.

¹ See No. 146

157

Linlithgow to Haig on Speedy Formation of Interim Ministry in U.P.

Haig Papers

THE VICEROY'S HOUSE, NEW DELHI,
1 April 1937

MY DEAR HAIG,

Many thanks for your two letters of the 31st March¹. I sympathise with your difficulties, and I am encouraged to think, from your second letter, that the prospect of overcoming them may be a little better. Let me say at once that I attach the utmost importance to the formation of a ministry in the United Provinces, and that I hope you will lend all the persuasion and employ all the personal pressure in your power to bring about its formation. I fully recognise that your difficulties are somewhat special, but it is, I am quite sure, vital that the United Provinces (and I say so partly because of those difficulties) should not be the only province in which it proves impossible to find any type of team to carry on. The landlords and magnates in the United Provinces are faced with a very serious condition of things for which, we are both I think agreed, they have themselves largely to thank, partly owing to the failure of landlords to pursue a progressive tenancy policy in the past, and partly owing to the personal jealousies and bickerings which made it impossible for them to combine in the face of common danger, in connection with the recent elections. The extent to which, if they are not prepared to exert themselves, they can look for help from Government is very limited indeed, and a heavy responsibility falls upon them now for, at whatever cost of personal sacrifice or of personal comfort or convenience, sinking their personal jealousies and taking heart to constitute, or to lend support to, a body of men who can try to work the government within the scheme of the Act.

2. I quite realise Chhatari's feelings as described in paragraph 4 of your letter about him. But what we have to encourage in these *Taluqdars* is a little more fighting spirit; if they are not prepared to fight they run a real risk of going down, and we shall not be able to help them.

3. As regards Chintamani; I realise the problem presented by paragraph 19 of the Instrument of Instructions. On this point, about which you have been good enough to ask my advice, I am clear that it is

¹ See No. 154

essential not to go outside the spirit of that paragraph in selecting your nominees to the Upper House. What I suggest is that you should appoint Chintamani as a Minister and then arrange a bye-election in due course. There is still plenty of time; for should you decide to postpone summoning the Legislature until the summer, there are two or three months at least ahead of you.

4. You will not I know think that I am in any way unsympathetic towards the right wing, or to the somewhat special and peculiar difficulties with which you are confronted. It is indeed because I do sympathise with the position of the right wing, and because I am anxious to give them any help that one possibly can, that I so much wish to see them brought together and persuaded to face issues from which we both agree there is no longer any escape so far as they are concerned. But I sincerely trust that things are now beginning to look brighter, and that, with your great personal influence, you will be able to overcome their hesitations. A minority ministry will not have an easy time and there are many ways in which life can be made unpleasant for it; but the Secretary of State and I are anxious, above all, to avoid early recourse to Section 93, and to leave no expedient unexplored which will enable us to avoid recourse to it. I will not now discuss the question of tactics to be adopted in the event of a stage being reached at which section 93 may have to be brought into force; it is a difficult and delicate question and one the clear answer to which is not too plain. But I will in due course write to you further about this.

Yours sincerely,
LINLITHGOW

158

Note by Reforms Commissioner on Constitutional Crisis

Linlithgow Papers

2 April 1937

Having regard to the position they have created in the six Provinces in which they secured majorities, the Congress tactics at the moment are to put about the impression that their cards are on the table and that the next move is with the Government.

2. The question at issue is what action if any, do present circumstances require to be taken on the side of the Government.

3. To the outward appearance the Congress attitude is regulated by three successive pronouncements:

- (a) the resolution of the All-India Congress Committee, and in particular the words—"Ministership shall not be accepted unless the leader of the Congress Party is satisfied and is able to state publicly that in regard to their constitutional activities the Governor will not use his special powers of interference or set aside the advice of Ministers".
- (b) Statements by Provincial Party leaders issued when discussion with the Governors were broken off. Of the most important was the statement issued by Mr. Rajagopalachari in Madras. His claim was that his Cabinet "should be given the fullest freedom of action inside the scope of Provincial Autonomy said to be given under the Government of India Act." His demand was for a specific assurance demanded equally for other provincial party leaders that the Governor "will not use his special powers of interference or set aside the advice of Minister." He added that he did not ask for "an amendment of the Statute here and now or any extension of the very limited scope of provincial autonomy."
- (c) Mr. Gandhi's statement of the 30th March¹ which contained the following explanations of the Congress attitudes:-

"There is no intention whatever to lay down a condition whose acceptance would mean the slightest abrogation of the constitution."

"A gentlemanly understanding between the Governors and their Congress Ministers that they would not exercise their special powers of interference so long as the Ministers acted within the constitution."

"Have I not heard Sir Samuel Hoare and other Ministers saying in so many words that ordinarily the Governors would not use their admittedly large power of interference? I claim that the Congress formula asked for nothing more."

In other passages in his statement Mr. Gandhi admitted that the Governor must have discretionary powers. His argument was that there was nothing unconstitutional in their saying that they would not exercise their discretion against Ministers carrying on constitutional activities. The understanding was not to touch numerous other safeguards over which the Governor had no power.

4. The loose use of the words in the pronouncements makes it difficult to analyse with precision the Congress demand. The following

¹ See No. 146

may represent a reasonably close appreciation of what might be assumed to be their attitude.

5. The field in which Ministers will advise the Governor is defined by the Constitution Act read with the instructions. With the exception of excluded areas it covers the entire field of provincial administration but certain specific functions are vested in the Governor at his discretion.

6. The constitutional activities of Minister are therefore those activities which they pursue in the administration only of matters in the ministerial field on which the Governor is required (subject to his special responsibilities) to act on advice.

7. Congress has not asked for this field to be enlarged. Its demand therefore leaves intact all these matters in which under the Act the Governor will act in his discretion.

8. Their attack is on the exercise by the Governor's individual judgement to direct action to be taken in the ministerial field otherwise than in accordance with the advice of the Ministers.

9. If this is correct reading of what is covered by the demand, it explains the comment in Mr. Gandhi's statement that the demand leaves untouched other safeguards over which the Governor have no power.

10. The sharp distinction between the Governor's discretions" and his individual judgements" is a correct constitutional distinctions.

11. When the Governor acts in his discretion he acts outside the Ministerial field, he does not share his responsibilities with his Ministers, the "constitutional activities" of the Ministers under the Act do not extend to matters with which the Governor deals in his discretion. Of the Governor's discretion some are normal powers (e.g. the power in his discretions to summon the Legislatures): others are emergency powers (e.g. in a limited respect as regards legislation or in issuing a Proclamation under section 93.)

12. The Governor's individual judgement" represent a different kind of powers. *Ex-hypothesi* they arise in the ministerial field. The Ministers have the right to advise, the Governor has the choice whether to act on their advice or to act otherwise than on their advice. Wherever an individual judgement comes in, responsibility is divided. The primary responsibility is the responsibility of the Ministers. The fact that the Governor can pass other orders does not relieve Ministers of the primary responsibility. In paragraph VIII of his Instrument of Instructions the Governor is directed "to exercise his powers as not to enable his Ministries to rely upon his special responsibilities in order to relieve themselves of responsibilities which are properly their own".

13. These "individual judgements" have no counterpart in any other known constitution. There is nothing automatic in their application. They arise more especially in respect of special responsibilities of

26. The lesson may be left to sink in that the demand which was made was one which it was impossible for the Governors to accept.

27. Therefore nothing could be gained by attempting to answer Mr. Gandhi's statement.

28. For the present nothing more seems to be required than is suggested in His Excellency's telegram to the Secretary of State of the 31st March No. 285-S.

29. If in response to the suggestion the Secretary of State were to find convenient occasion (which need not be a formal occasion) of making a statement, it is presumed that anything he said would not be in the nature of a reply to Congress pronouncement, but in the nature of his own reading of the situation.

30. Points to be taken might be:-

- (a) that it is unfortunate that the Congress should have declined to accept office unless on conditions which would be impossible for any authority other than Parliament to meet and that their decision is regretted;
- (b) that the Governor's special responsibilities do not detract from the primary responsibility of the Ministers;
- (c) and that as frequently emphasised in the course of Parliamentary debates and elsewhere, as a statement of the policy of His Majesty's Government, these powers which the Governors are given in the Ministerial fields are not constantly in use but are to be held in reserve and that as stated by Sir Samuel Hoare "it is really in emergency cases that, there will be need for intervention". (These words quoted are taken from Sir Samuel Hoare's statement in the Commons on the 10th December 1934.)

159

Linlithgow to Zetland: Appreciation of Political Situation in India (Extract)

Linlithgow Papers

THE VICEROY'S HOUSE,
NEW DELHI
2 April 1937

I mentioned in my last letter that I had just received yours of 22nd March for which I am greatly obliged. Our Indian friends welcomed the boon of the New Constitution in their customary fashion by declaring a

general hartal. So far as telegraphic reports have come in, this seems to have been only a partial success in terms of the cessation of business and I have not heard that there has been any serious disturbances of the peace in any quarter. You and I are in such full and constant telegraphic communication about the situation in the various Congress Provinces that I do not feel that I can say here very much that would be either interesting or helpful. I have not so far had time to come to any fully formed appreciation of the position with which we are now confronted. Indeed, the nature of that position and the problems which it will involve must depend in great degree upon the public reaction in the Congress Provinces to the refusal of Congress to accept office, and so far I have very little information as to this. It must take, I think, a month or so before the public reaction to the recent happenings discloses itself. The "news value" of the doing in the Congress Provinces has tended to eclipse the importance of the position in those Provinces where Provincial Autonomy has made a more or less satisfactory start. I attach the utmost importance, as I am sure you yourself do, to the sound position in the Punjab. It is a very great comfort and security that the Province from which so large a proportion of the Army is recruited should be in such good shape.

What exactly have been the mental processes by which the Congress leaders, and Gandhi in particular, have been moved, it is difficult to say. All the evidence before me—and I think it is in its cumulative effect very convincing—goes to suggest that while Gandhi thought it better to make a show of office acceptance it has never crossed his mind to give Provincial Autonomy under the Act a fair chance of proving its worth. I suspect that if the truth were known, it would emerge that the little man has been moved more by a desire to create a state of affairs in which his own gift for chopping logic would restore him to his pristine position as the undisputed leader of nationalism in India. If he could have manoeuvred the situation to the point of discussing with me a form of words designed to eviscerate the constitution without obviously breaking the law, he would have been in his element; but I am not much good at the three card trick and if I can manage to avoid such a contest I mean do so!

2. We are facing up to the problems which must confront us in the next few months in the Congress Provinces. I refer to the question of how best to get through the months between now and the time when Provincial Governments must again obtain supply, the possible gradations of policy in the use of Section 93 and so on, and I shall be communicating with you on those matters in the very near future. I am afraid that we can hardly hope to go through the next few months, particularly in the United Provinces, without some trouble. It is a question, after what has occurred during the past fortnight how long I can afford to leave Nehru (and perhaps some others) at liberty to carry

on with purely destructive and subversive activities. Here again I am examining the whole position with very great care, with particular regard to the question of what ought to be our choice from amongst the assortment of statutory weapons available for this purpose.

160

*S.F. Stewart to Lothian: Request for Preparing Points for Reply to
Gandhi's Letter to "Times"*

L/PO/6/99(1)

INDIA OFFICE,
WHITEHALL, S.W. 1.
2 April 1937

DEAR LOTHIAN,

I had hoped to see you to-day and talk over the matter dealt with in the enclosed papers; but I found that you were at Blickling, and so it had to be put into writing, and very formidable it looks. But our main purpose in covering the ground so completely was to enable you, if, as I hope, you can help us, to pick out the points that seem to you most effective, and can be brought within the compass of a letter to the "Times".

I am one of the people who have a real liking for Gandhi, but I think he has here committed a worse crime than the dishonesty of which some people have accused him. He has issued a statement,¹ at a very critical moment, which he must know will be accepted by millions of people, themselves incapable of checking it, without himself taking the trouble to master the plain facts; and, on his uninformed version of a constitution which has been available to him for nearly two years, he has brought a serious charge of bad faith against the Government, which must if persisted in, be a charge against the Parliament which passed the Act. The greater his influence, and the greater his reputation for honesty, the more blameworthy all this is; and I wish someone would say so publicly.

Yours sincerely,
S. F. STEWART

¹ See No. 146

161

Stewart to Lothian: Enclosure of Material for Rejoinder to Gandhi's Letter

L/PO/6/99(1)

2 April 1937

DEAR LOTHIAN,

I am writing to you at the request of the Secretary of State to ask if you would be prepared to consider writing a letter to "The Times", for publication if possible on Monday, or at all events very early next week, with the object of removing misunderstandings which are evidently common both here and in India as the result of the statement published by Gandhi through Reuter on 30th March. I enclose the full text of this statement as sent by Reuter, which appears to be a complete reproduction of all that he said for publication.

In the six Provinces where the Congress obtained a majority as soon as the negotiations with the various provincial representatives of the Congress who had been invited by the various Governors to form Ministries had broken down, each of the Governors concerned published a communique explaining at some length why the demand on which the Congress representative with whom they had been dealing had insisted as the condition of his consent to form a Ministry had been one which he could not possibly accept. These communiques varied somewhat in the fullness with which they each explained the matter, but I quote, as an indication of the explanations given, the following passage from the communique issued by Hubback, the Governor of Orissa, which was perhaps the fullest and most informative:-

"Mr. Das intimated to His Excellency that he was unable to accept the invitation unless His Excellency agreed to give him the assurance that he would not use his special powers of interference or set aside the advice of his Ministers in regard to their constitutional activities. Mr. Das stated that without such assurance he could not be satisfied and be able to state publicly that the Governor would act in that manner.

His Excellency explained to Mr. Das that it was completely impracticable, for constitutional reasons, to give any such assurance. The power and duty of exercising his individual judgement in certain circumstances are placed on the Governor by the Act itself.

By paragraph VIII of the Instrument of Instructions the Governor is expressly enjoined to be guided in almost the whole sphere of executive business of the Province, by the advice of his Ministers 'unless in his

opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the Act committed to him, or with the proper discharge of any of the functions which he is otherwise under the Act required to exercise in his individual judgement.'

His Excellency further explained that it might unquestionably be a constitutional activity of Ministers to tender certain advice which the Governor could not, in view of his special responsibilities, or other directions of the Act, accept. If that were his individual judgement in the particular case before him, and he had already given the assurance desired by Mr. Das, the Governor would either

- (a) by accepting the guidance of his Ministers, have to act in flagrant conflict with instructions which he is, in virtue of his office, strictly bound to obey, or
- (b) by setting aside the advice of his Ministers, lay himself entirely open to a charge of the gravest possible breach of faith with Mr. Das.

While making clear his own constitutional position, His Excellency assured Mr. Das that if he was prepared to lead a Ministry he could count on getting from His Excellency all possible sympathy, co-operation and support.

Mr. Das expressed his appreciation of the assurance which His Excellency had given, but in a very friendly spirit intimated that he could accept office on the basis of nothing less than his full demand."

This and the other Governors' communiques were published in India on Monday, 29th March, and one would have thought that they had made the position sufficiently clear. On Tuesday, 30th March, however, Mr. Gandhi issued his statement, and one can only suppose that the mystification which undoubtedly exists since that statement was made as to why it was not possible for a Governor to accept the Congress demand as the condition of the formation of the Congress Ministry is due in part to misunderstanding of what was really implied in the question-begging and no doubt intentionally ambiguous phrase "constitutional activities" used in the Congress resolution and in Gandhi's own statement, and in part to the categorical assertion by a man like Gandhi in the course of his statement that there was nothing in the demand which "would mean the slightest abrogation of the Constitution", and his further assertion that the Congress formula "asked for nothing more" than had been repeatedly promised by Sir Samuel Hoare and other Ministers.

It seems to the Secretary of State, therefore, and the Government of India are evidently of the same opinion, of considerable importance that as soon as possible a reasoned criticism of Gandhi's statement and an exposure of the untenability of his arguments ought to be made and

given publicity here and in India; and that Secretary of State felt that such a criticism would have great effect in India if it comes from you. It is almost certain, of course, that the situation in India will give rise to a debate in both Houses fairly soon after Parliament meets. But the pressure of business is likely to be such that, in the House of Commons at all events, it is improbable that the time for this debate will be available immediately; meanwhile every day which elapses gives Gandhi's sophistries a better chance of establishing themselves as a true statement of the position.

Assuming that you would be prepared to give in a letter to "The Times" such a criticism and exposure, I have not presumed to suggest to you an actual draft of the terms of your letter. But I enclose various documents which I hope will give you full material. These are—

- (i) The full text of Gandhi's statement already referred to.
- (ii) A note separating the salient points in this statement and criticising them more or less item by item. This note includes also the actual text of the Congress resolution containing the formula of which you will see that Gandhi claimed personally the authorship as to the condition to be insisted upon by potential provincial Congress Ministers.
- (iii) Quotations from the Report of the Joint Select Committee bearing upon the Governors' special powers.
- (iv) The text of the instructions issued to the Governors.

As regards the points in Gandhi's speech in the enclosure to the analytical note numbered 11 and 12, I suggest that the right answer in the first instance, which I think you would have no difficulty in giving, would be after quoting so much as may be feasible of the passages indicated in the Joint Committee's Report (and at all events paragraph 75 and the extract from paragraph 79) as showing what that Committee, and subsequently Parliament, intended as to the joint effects of the Act and the Instrument of Instructions upon the Governors' special powers, to say that to your certain knowledge no Minister of the Crown in the course of the discussions of the Joint Committee or in the subsequent debates in Parliament ever said anything which was in any sense at variance with the Joint Committee's conception of the place in the constitution of the Governors' special powers as indicated in the Report, and that it is absurd to say, as Gandhi has said, that the Congress formula (acceptance of which involved an undertaking by the Governors that they would there and then divest themselves of their special powers of intervention) is identical with even his own version of Hoare's statements that "ordinarily the Governors would not use their powers of interference."

But, apart from this point, the main desideratum in your letter would appear to be to emphasise the ambiguities of the phrase "constitutional activities" and to expose the sense in which Gandhi at all events, whatever interpretation may have been commonly given to the Congress formula, was clearly himself placing upon it, and successfully insisted on the Congress representatives in the Provinces placing upon it. In that connexion I might explain that the Congress resolution itself when first published was commonly regarded by the Press in India, and apparently by provincial Congress representatives themselves, as a victory for the Right Wing elements in the Congress, no doubt because it was commonly assumed that "constitutional activities" meant merely "non-revolutionary activities" and thus was intended to imply activities within the whole framework of the "Constitution" including all the provisions of the Government of India Act, not excepting the Governors' special powers. Indeed our information goes to show that the provincial Congressmen who had been invited to form ministries were genuinely surprised to find that the wording and implication of the formula were such that the Governors could not give the undertaking sought.

The Secretary of State hesitates to ask you to undertake, especially at such short notice, what he fears may be rather a formidable task. But it has been strongly impressed upon him that Gandhi's statement has produced a real sense of bewilderment both here and in India; and he feels that it is of great importance that the true position should be made clear by some one whose words will carry weight and authority without having to wait until opportunity offers for this to be done by himself in Parliament. He would, therefore, be most grateful if you can see your way to meet his suggestion.

S.F. STEWART

162

Pant to Rajendra Prasad on Unsuccessful Endeavour of the Governor to Form Interim Ministry in U.P.

Rajendra Prasad Papers

NEW DELHI
2 April 1937

MY DEAR RAJEN BABU,

I find that the meeting of the Working Committee proposed for the 10th has been cancelled for the present. We have a meeting of our Provincial Committee on that very day, so I welcome this change. Besides, it will give me some recess as I have to be here till the 5th.

So the Government has again maintained its traditions. I do not yet know what mysterious influences upset their intentions. To all appearances they looked satisfied with our resolution and the comments in the press on the whole friendly. Unless we assume a Machiavellian conspiracy designed to mislead us the somersault must be attributed to the irresistible pressure of reactionary forces. Whatever be the reasons I feel that on the whole we have emerged triumphant out of this ordeal. The Congress prestige has risen higher and our conduct, being in complete conformity with our general attitude and resolutions, perfectly appropriate and unassailable. It requires continuous activity in the countryside where our critics take advantage of the situation. The contacts with the masses have to be ceaselessly maintained. It is just likely that the assemblies in your Province and my own may not be asked to meet for several months yet—even the oath-taking formality may be postponed. In that case we have to hold present meetings of our party in order to criticise the administration and to press our point of view regarding problems that are bound to arise from day to day. The ministry has been formed in your Province. It is a curious personnel. Anugrah Babu told me that none of them has heard of even one of the four names mentioned in this connection. The Governor of our Province has been unsuccessful in his endeavours so far, with the result that no ministry has yet been formed although the fateful 1st of April has come and gone. Sri Babu has recited to me the talk between him and Hallet. I will rehearse to you the Lucknow episode when we meet. Hope this finds you well.

Yours sincerely,
G.B. PANT.

163

Pant's Report to Nehru on Political Situation in U.P.

Nehru Papers

NEW DELHI

2 April 1937

MY DEAR JAWAHAR LAL JI,

We had a complete Hartal, a huge procession in the morning and a mammoth meeting in the afternoon here yesterday. The Muslim attitude was distinctly hopeful: they contributed their full share in all these functions. The reports from other places are equally satisfactory. The directions of the Congress seem to have been carefully observed even in the remotest parts of the country.

I was concerned to hear of your indisposition. Trust you are better now.

I find that the meeting of the Working Committee fixed for the 10th has been cancelled. We have a meeting of our Provincial Council that day. The Working Committee will be again meeting at Wardha. We last met on the 22nd and not more than a month will have elapsed if the next meeting is held on or about 20th.

The Governor has not succeeded in forming any ministry in our province so far. I had reasons to believe that the Muslim League would not accept any place in the cabinet. Chhatari had, it seems, accepted the invitation but has found insuperable difficulties in his way. If the press report is correct he could not collect more than 11 persons in his support. It has created an interesting situation. If the Govt. had followed a straight forward course the constitution should have been suspended after the break-down of the negotiations with the Congress. They have, however, been trying to keep up the mask and "interim ministries" have been set up in no less than 5 provinces. Our province has proved better than others even in this respect. I am watching developments, Chhatari has, probably, not finally declined yet but I understand that he too has lost all ardour.

Your correspondent is evidently suspicious if not cynical. He is, perhaps, unaware of the limitations of plain minds. It requires a singular knack to hatch plots or to scent them and I must confess that both are equally uncongenial to and beyond me. There are more than 140 members in our party in the legislature and no alliance is permissible with any group except with the sanction of the Working Committee according to the Wardha resolution. In the circumstances it would require more than usual audacity to hatch a plot of this nature.

I had no occasion to meet Khaliq since the election up to the 29th. In fact I took care not to do so lest there should be any misunderstanding. I saw him on the evening of the 20th after the acceptance of office by the Congress had been finally ruled out. I did not like the idea of the Muslim League cooperating with any ministry and got the desired assurance from Khaliq. I had a long talk with him and stressed the need and the advisability of the Nationalists Musalmans merging themselves in the Congress. Similarly I pressed him to join the Congress actively both inside and outside the legislature. He has well nigh agreed to do so but wanted to examine the matter further before taking an irrevocable decision. I should not be surprised if Salimpur goes over to Chhatari and joins his cabinet. In that case, I think, the position will be clarified. I spoke to you in this connexion while you were here in Delhi. I was looking forward to the next meeting of the Council at Lucknow on the 10th when I should get an opportunity of discussing this matter with you. I hope you will be at Lucknow then; if not I will come over to Allahabad. I personally had never had any doubt as to what the situation requires. It is however, desirable to await further developments before reaching any final decision.

I shall be sending a note about the income tax case direct to Lahore.

Yours sincerely,
G.B. PANT

N.B. The matter was discussed orally and some letters were also exchanged between Mohan Lal and Khaliq. I understand that this was done with a view to avoid a conflict with the Muslim League at Bahraich and to prepare the ground for future action. Mohan Lal will be at Lucknow on the 10th and I need not say more at this stage. I notice that Chhatari has formed his cabinet.

164

Lothian to Stewart: Enclosure of the Draft of the Letter to "Times"

L/PO/6/99(1)

BLICKLING HALL, AYLHAM, 4 April 1937

MY DEAR STEWART,

I enclose a draft of the letter I am sending to the "Times," to appear, if possible, on Tuesday morning. If you think there is any mis-statement of fact or constitutional interpretation, or if you have any other

suggestions to make, would you ring me up at my office after 11.30 a.m., or I would come over and see you.

I thought it best not to attempt to rebuke Gandhi for dishonesty. What we want to do is to find a solution, and I do not think that recrimination, however justified, at this moment will help that. Moreover, though the old man is the most expert, and, if you like, crooked dialectician that we have ever had to deal with, I am not sure that he is as wicked as might appear in this case. On the one hand, he has got a very formidable minority led by Jawaharlal behind him to deal with, and even the majority of Congress, before they can take office, have got to get over the resolution upon which they fought the election, that they would never accept it. On the other hand, I doubt whether the old man really has a clear understanding of the way in which the principle of responsible government works.

In my letter, therefore, I have rebutted the charges of bad faith against the British Government and laid the main emphasis on trying to find a way out. The opportunity for that will occur when the minority ministries in the Congress provinces first meet the legislatures. I hope the Government will do everything it can to make it easy for Congress, if it defeats the ministries, to take office without asking for any pledge from the Governor that he will not use his powers. Hubback's statement to Das, which you quote, is of course constitutionally unimpeachable, but I do not think that it showed much understanding of the system of responsible government. I think it would have been better if he could have stated that if Das took office he would be wholly responsible for the government of the province, and the governor neither had the constitutional right nor the inclination to interfere unless Das tried to violate the constitution or proposed to act unjustly to minorities or the civil service, or to give any challenge to his other special responsibilities which he was certain that no responsible ministry once it was in office would do.

Your sincerely,
LOTHIAN

165

*M.N. Roy on Constitutional Deadlock**Independent India*

4 April 1937

The political deadlock has been precipitated earlier than expected. Uncompromising attitude on the part of the provincial Satraps has wrecked the Constitution. Once again it has been proved that interest of Imperialism precludes the possibility of promoting the welfare of the people in the least. It was rather naive to expect from the Governors the assurance that they would not exercise the autocratic powers vested in them by the Government of India Act. Those powers are integral part of the Constitution itself. The failure to grasp that the Government of India Act does not make any room for constitutional activity on the part of the ministers, has driven us in a position where we are likely to be outwitted unless a new line of attack is discovered without delay. The prolonged discussion on the secondary question of office acceptance confused the real issue before us. We talked about wrecking the Constitution, but very few paid any attention to the crucial question; what is to be done, once a constitutional deadlock is brought about? The deadlock by itself will not mean scrapping of the unwanted Constitution unless it can be utilised as the lever for an organised mass campaign against imperialist domination. Ever since 1935 the object of our political strategy has been to gain such a strong parliamentary position as would enable us to give battle to the enemy from close quarters. While we believed to have occupied that point of vantage, it is found that we could do so only on the sufferance of the enemy; and the enemy, naturally, would not let us into the position. The lesson of the experience is that, under the given conditions of the country, parliamentary strategy is bound to be futile. We must therefore, fall back upon the tactics of revolutionary mass action. The deadlock created by imperialist insolence should be utilised for that purpose. The Congressmen should forthwith resign their seat in all the Legislatures on the ground that the autocratic powers of the Governors do not permit them to fulfil the promises made to the electorate. The resignations should be followed by the demand for reelection. The new elections should be fought on such concrete issues as would rally the masses in the struggle for the capture of power. The people must be told that their chosen representatives have not been allowed the constitutional right of the majority party to take over the administration of the country because, in office, they would seek to pass legislations for promoting the welfare of the people. In the campaign for

the new election, the Congress candidates should seek from the electorate a clear mandate for carrying through legislations framed for redressing the most burning grievances of the people. The demand for the Constituent Assembly should be placed in the forefront. Congress candidates should seek the sanction of the electorate to meet in a Convention which will be charged with the authority to issue the call for the election of the Constituent Assembly by universal adult suffrage. The conditions in which the Constituent Assembly can rise as the instrument for capture of power by the people, will have to be created in course of the campaign for a new election which will follow the present constitutional deadlock. Our object will be not to secure votes of the electorate, but to mobilise the broad masses in a struggle for enforcing concrete economic and political demands. Propaganda and agitation must be reinforced by organisation activity according to a carefully laid out plan. Today nobody can doubt that the Congress commands the confidence of the masses. Yet the imperialist rulers of our country do not hesitate to flout the modest demand of Congressmen commanding clear majorities in the legislatures. This is possibly because the Congress is not yet in a position to take up the insolent challenge of imperialism. This regrettable weakness will be removed by giving an organisational form to the political awakening and social unrest of the masses who today look upon the Congress as their deliverer. The Congress must become a countrywide network of democratically elected committees leading the masses in their day-to-day struggles of life. The creation of such a popular organisation as the frame-work of a democratic state to rise out of the mass struggle against imperialism, is the essential condition for the election of the Constituent Assembly, the instrument for the capture of power.

Let not the present constitutional deadlock usher in a period of political inactivity. Let us not be brow-beaten by imperialist insolence. Let there be no negotiation-no search for a convenient formula. There is no use of creating a constitutional deadlock if we are not prepared to break the deadlock by organising revolutionary action of the masses.

166*Gandhi's Letter to Indira**Gandhi-Indira Gandhi Correspondence*

5 April 1937

CHI. INDU,

You must have grown quite plump by now. Write to me. You will certainly see me, won't you? May God grant you long life—a sevika you already are.

Blessings from
BAPU

167

*Secretary of State to Viceroy: Seeking Clarification Regarding Reported Moves
to Break the Impasse*

L/PO/6/99(1)

5 April 1937

Private and personal. "Daily Herald" to-day states that two moves are under discussion in Delhi, first, that you are proposing shortly to issue a statement which will open the way to fresh conversations between Governors and provincial Congress leaders, and secondly that an invitation is being issued to Gandhi to discuss the situation with you. I should be glad to know whether there is any substance in this and in particular whether there are any signs of an approach to you on the part of Gandhi or other Congress leaders.

I am arranging for a debate in the House of Lords on Thursday this week with a view to making clear the reasons why Governors had to refuse to give guarantee asked for by Congress leaders, about which some confusion exists here even in sensible quarters, and I hope that this debate will make it plain that Gandhi has no support from any of the parties here for his view that the Congress request was a small thing which Governors might easily have granted, involving no modification of the Constitution approved by Parliament.

168

*Zetland to Samuel Hoare on the Need to Refute Gandhi's Version of Latter's
Remarks on Governor's Special Powers*

L/PO/6/99(1)

Private

5 April 1937

MY DEAR SAM,

You will probably have seen the memorandum¹ I circulated to the Cabinet on 31st March about recent happenings in India with regard to the formation of provincial Ministries, at the end of paragraph 6 in which I alluded briefly to a statement issued by Gandhi on 30th March² which has, of course, obtained wide publicity in India and some, though not very full, publicity here. My information goes to show that this statement has produced a good deal of bewilderment not only in India but also here since, in view of some of the remarks in the statement, people are finding it difficult to understand why the condition implied in the Congress formula in regard to acceptance of office was one which none of the Governors found it possible to accept.

I attach a copy of the full text as telegraphed by Reuter of Gandhi's statement and of the resolution passed by the All-India Congress Committee at Delhi on 18th March³, containing the formula of which, as you will see, Gandhi claimed to be the sole originator and author. The misunderstanding has evidently arisen from the use of the ambiguous expression "constitutional activities" at the end of Congress resolution and of the same or similar expressions in Gandhi's statement. Lothian is writing a letter to "The Times" which I understand will appear tomorrow (Tuesday) morning in which he has made the obvious point that, throughout the statement, Gandhi has completely ignored the existence and effect of paragraph VII and VIII of the Governors' Instruments of Instructions.

As you will see from the statement, Gandhi sought to clinch his contention that the demand embodied in the Congress formula was innocuous by purporting to cite you in his support. The passage in question is "Have I not heard Sir Samuel Hoare and other Ministers say in so many words that ordinarily the Governors would not use their

¹ See No. 152

² See No. 146

³ See No. 115

admittedly large powers of interference? I claim that the Congress formula asked for nothing more."

It seems to me of great importance that, with as little delay as possible, the untenability of the attitude which Gandhi has so categorically set out in his statement should be demonstrated, and that it should be made clear that there can be no possible question of compromise or arrangement on the part of any Governor as to his duties under the Instrument of Instructions in relation to his "discretionary" and "individual judgment" powers. With this object I hope to arrange if not on Thursday next then on Tuesday of next week a debate in the Lords on this question.

My object in writing to you is to ask whether you would be prepared, either in a short letter to "The Times" or in a statement to be made by me in the course of my speech in the Lords with your authority, to deny the justification for the inferences which Gandhi purports to draw from anything you have said with regard to a Governor's special powers. The *locus classicus* as to the nature and purpose of these powers is, as you will remember, paragraph 75 and the last three sentences of paragraph 79 of the Joint Select Committee's Report. Relevant passages in that Report are also to be found in paragraphs 21, 25 and 110. Although, no doubt, numerous passages could be found in speeches made by yourself and other Ministers during the discussions in the Joint Select Committee and the debates in Parliament on the Bill to the effect that there was no reason to anticipate that *occasions* for the use of a Governor's special powers would be of frequent occurrence, I think you will have no difficulty in agreeing that neither you yourself nor any other Minister has ever said anything which would justify Gandhi's assertion that the Congress formula (acceptance of which would, of course, have meant a specific undertaking by Governors there and then that they would never use their special powers to upset any proposal of their Ministers which was within the latter's legal competence under the Act) meant asking for no more than you and other Ministers had been prepared to concede.

I hope, therefore, that you may be agreeable to making, or authorising me to make on your behalf, a statement to this effect.

Your ever,
ZETLAND

169

Zetland to Linlithgow on Congress Volte Face (Extract)

L/PO/6/99(1)

5 April 1937

2. In the political sphere matters have been moving with such rapidity that it is a little difficult to know where to begin. Perhaps the first paragraph of my letter to you of March 22nd¹ is a good starting point. I discussed there the course to be pursued in the hypothetical case which you had put to me of a refusal by Congress to take office in a province in which they were in a majority in the legislature and concluded my discussion with the observation that it seemed unlikely that your hypothetical case would, as a matter of fact, arise. Yet we are now actually faced with it in no less than six of the eleven provinces of British India! It looks as if the solution which is actually being adopted is the one for which I expressed my personal preference, namely, the appointment of minority Ministries and the postponement of summonses to the members of the Legislatures so as to give the Ministers at least a breathing space before they have to face a vote of no confidence. I must say that no little credit is due to men like Raghavendra Rao, Chhatari, Reddi and others for taking on what must be anything but an inviting task. On the other hand, Srinivasa Shastri, who had not the courage to do so when given the opportunity, appears to have given vent to a particularly ill-tempered philippic against the Government.

3. Now as to the attitude of the Congress. I confess that I am greatly puzzled by what appears to have been a complete eleventh hour *volte face* on their part; and I notice that when you wrote on March the 19th, you were yourself confident that nothing was likely to prevent Congress taking office wherever they were in a majority. I wonder what was really passing in the tortuous mind of that old fox Gandhi? From the wording of one part of the statement which he issued to the press one might have imagined that he believed that he had really devised a formula which would enable the Congress leaders in the provinces to satisfy themselves of the goodwill of the Governors without requiring from them definite assurances in respect of their special responsibilities. On the other hand he stated later in the same communication that it was his object to destroy the Constitution; and this being so it is difficult to believe that he was so innocent of the deadlock which his formula produced as he would have us believe. I should not wonder if the old man had not hoped that he was going to succeed in jockeying you into

¹ See No. 123

sending for him when he visited Delhi and if the venom which he is now displaying is not the outcome of annoyance at his failure. I am the more disposed to think that this may be so after reading the very interesting account which you sent me with your letter of March the 19th² of your interview with Birla. I am a little inclined to doubt whether Birla's remark that Gandhi would not himself move in the matter of an interview was—as you suggest—"a loose observation made to gain time while Birla was thinking out his next points." I am inclined to think that Gandhi, while determined not to ask for an interview himself, was manoeuvring all the time for an invitation from you and that Birla's talk was all part of the manoeuvre! This seems to meet with confirmation from what Birla, admittedly speaking on behalf of Gandhi, said towards the close of the interview, particularly his remark that Gandhi was most anxious that means should be found to cause the venue of talks to be shifted from the provinces to the Centre between you and him. Indeed, I should imagine from your own comment on Birla's none too adroit diplomacy that your reading of subsequent events will probably coincide with mine.

4. It is little use commenting on the day to day events, for the pattern in the kaleidoscope is undergoing constant change. When I saw Stanley Baldwin after the Cabinet on Wednesday, March the 24th, I told him that all was well and that the Congress were going to play. I left London for Easter on Thursday still under this impression, yet by Friday the whole picture had completely changed. We have been in close touch with the press here and I hope that you have found our efforts in this direction helpful. The leading article in the "Times" of March the 29th was directly inspired by us, and we are also doing what we can in connection with publicity in America. I am surprised to learn from your private and personal telegram No. 285-S of March the 31st³ that there is misunderstanding as to what Sam Hoare said on the question of the Governors' special powers. I am approaching Lothian and suggesting that as a member of the Joint Select Committee he might write a letter to the "Times" pointing out the fallacy of Gandhi's claim. We would then get this across to India.

5. In the altered circumstances the King's proposed message to the provinces became the subject of hurried exchanges between us and the Palace. The King was doubtful of the propriety of his sending a message at all and our exchanges went on well into the night, Stewart's final telephone call to me from the India Office being at 11 p.m. The outcome was the drastically abbreviated message which we eventually telegraphed to you.

² See No. 119

³ See No. 151

170

*Samuel Hoare to Zetland on Gandhi's Misrepresentation of His Stand on
Governor's Special Responsibilities*

L/PCO/6/99(1)

6 April 1937

DEAR LAWRENCE

I write in answer to your letter of April 5th.¹ Of course I will do anything to help you in contradicting Gandhi's misrepresentations of my attitude. At the same time I greatly dislike Ministers writing letters to the *Times* upon any questions connected with Government policy. The proper place for them to deal with such questions is in Parliament or on the platform. I suggest, therefore, that you should yourself make the position clear in the House of Lords.

You will, no doubt, remember that I stated the position over and over again at the various Round Table Conferences, in the Joint Select Committee and in the House of Commons. I never varied an inch from it, namely that the special responsibilities were as necessary in the interests of Indians as of British citizens, particularly in the interests of the Indian minorities, and that they would only come into play if the Indian Governments attempted to transgress them, e.g. to persecute minorities. If, therefore, Indian Governments behaved as Gandhi and his friends declared that they would behave and act as justly and impartially to all concerned, the Governors would have no need to make use of their special responsibilities. This is the whole story and Croft with his great knowledge of the discussions could find almost a volume of quotations from my speeches on the subject.

Yours ever,
SAMUEL HOARE

¹ See No. 168

171

*Subhas Bose's Speech after Release from Detention (Extract)**AICC Papers, F. No. P-5/1937*

6 April 1937

I feel utterly overwhelmed at this enthusiastic demonstration of your cordiality and affection. . . . I am but a soldier always on the move. Our goal is still ahead of us and our path is strewn with thorns, not roses. . .

On the 17th March,¹ when I was suddenly released from detention, my thoughts immediately went back to those who had been languishing for years behind prison-bars or under the chains of detention and restraint. I have drunk with them from the same cup of sorrow and I have seen the tears of their near and dear ones. And as if further experience was needed to deepen my agony, I happened to be present in an adjoining cabin when a detenu breathed his last in the Calcutta Medical College Hospital under the watchful eyes of our vigilant police and there was the spectacle of his dead body being pursued by them till it was reduced to ashes on the banks of our holy river. You will, therefore, understand why I carry within me today a heavy load and why I shall endeavour in the fullness of time to rouse your hearts to a higher degree of sympathy for the helpless victims of this heartless regime. . . .

. . . Apart from the suffering and distress caused by the repressive policy of the bureaucracy in innumerable homes in Bengal and other parts of the country, I find that the economic condition of the workers and the peasantry has considerably worsened during the last five years. This is finding expression today in mass demonstrations and in strikes, as for instance in the jute workers' strike in Bengal in which I am told at least 80,000 people are involved. My heart goes out in sympathy to these victims of economic exploitation in the non-violent struggle they are waging in connection with their elementary demand for bread and work.

It is no exaggeration to say that since coming back into your midst after imprisonment, exile and detention, I have been feeling like a political Rip Van Winkle. You must, therefore, give me time to pick up the old threads, to find my bearings and then to look into the future.

. . . Whatever be our solution of any particular Indian problem, there are certain ideas which should be common ground between ourselves. In the first place, we should all realise that the world today is a unified

¹ The speech was delivered by Subhas Bose at Shradhanand Park on 6 April 1937.

whole and the fate of India is linked up with that of the rest of the modern world. The strategy and tactics of the Indian movement should, therefore, be determined after a full comprehension of the world situation of today and tomorrow. Secondly, Imperialism, in whichever form it may appear is a menace to the liberty of other people and to the peace of the modern world. It may appear in the cloak of democracy as in Western Europe or in the garb of Fascist dictatorship as in Central Europe. But as lovers of freedom and peace we have to resolutely set our face against it. Thirdly, as against the outside world, India is one unit and the different provinces and different communities of India should line up under one banner and one policy if we are to bring about the speedy emancipation of our people. Fissiparous tendencies, whether of a provincial or of a communal character, should be regarded as the greatest curse for a subject race and all lovers of freedom should take their stand on a broad socio-economic programme for the emancipation of the masses, which will cut across provincial and communal divisions. Fourthly, our strategy should be directed towards laying down and strengthening the basis of a broad anti-imperialist front of workers, peasants and middle class. A united front of all anti-imperialist forces, in the country under the aegis of the Indian National Congress for effecting the political and economic liberation of our hungry and enslaved millions is the supreme need of the hour. Last but not the least, the method of our struggle should be confined to the limits of non-violent non-cooperation.

... This is an event which will continue to haunt my memory for all time and it will be an inspiration in the midst of trials and difficulties that may yet be in store for me. There is nothing that I offer you in return except a re-affirmation of my unflinching resolve to devote all that I have, to the service of our Motherland and her political and economic emancipation...

I72

Punjab Premier's Statement on Policy and Programme of His Ministry

Star of India 7 April 1937

The Hon'ble Major Sirdar Sir Sikandar Hyat Khan, Premier of the first autonomous provincial Government in the Punjab, has issued the following statement to the Press:

.... It is not practicable, in the course of a brief statement, to enunciate the principles which we desire to follow, or to discuss the policy which we desire to pursue, or to enumerate the details of the programme which we desire to put through during the next five years. We will take the earliest opportunity of announcing our considered plans when we have had time to mature them. Meanwhile there are certain matters of outstanding importance upon which some light may, with advantage, be thrown at the very outset.

Lightening the burden of the peasantry, tackling the problem of unemployment, development and expansion of nation-building activities, uplifting backward classes including our brethren of the scheduled castes, and creating a more favourable atmosphere for the promotion of communal amity and goodwill are questions which have been the subject of universal comment not only in the Punjab but throughout India. While other questions of both major and minor importance are also bound to engage the attention of the Cabinet the problems just alluded to are such that they may justly claim precedence over others.

The question of fighting communal bitterness and tension, so humiliating to all patriotic Indians and so detrimental to the growth of a real spirit of nationalism, has no financial implications except in the sense that the outburst of communal frenzy sometimes adds heavily to the items on the wrong sides of provincial accounts. The Cabinet is resolved to deal with a firm hand with all those who, on one pretext or another, indulge in pouring vials of communal poison through the Press or from the platform, into the minds of an unsuspecting and unsophisticated public. Side by side with this, steps will also be taken to promote feelings of mutual goodwill, trust and toleration in other ways.

We take this opportunity of giving a solemn assurance to our fellow citizens that each one of us is pledged—and will do his utmost—to watch vigilantly and to protect scrupulously the legitimate interests of all communities equally with those of his own. We are constrained to warn an unsuspecting public against the insidious and unscrupulous attempts by interested persons—led by unsuccessful aspirants to various offices—to mislead them under the pretext of safeguarding the interests of their respective communities. It is time that all patriotic Punjabees took concerted action to expose these pseudo leaders and to save the province from the consequences of their dubious tactics. We earnestly appeal to the public and the Press and solicit their whole hearted support in assisting us to rid the province of communal bickerings and mistrust.

The other questions involve grave fiscal considerations and far reaching financial consequences. Nobody is more conscious of the difficulties of the peasantry than the Punjab Cabinet. But relief to the peasantry necessarily involves a corresponding shrinkage in provincial

receipts, while development of nation-building activities and relief of unemployment necessarily involve an expansion of expenditure.

The clear important of this dual process is that in order to afford the requisite relief to the peasantry and to provide for the removal or even mitigation of unemployment and the intensification of nation-building activities it would be necessary to explore fresh avenues and examine the existing sources of revenue with a view to augmenting our income to the extent which would enable us to take appreciable action in these very desirable directions without adding to the burden of the poorer classes.

It may be contended that the cost of the administration should be reduced very substantially in order to find a part of the funds necessary for the above purposes. While the Cabinet decides to assure the public that every reasonable attempt will be made to effect all reasonable economy in order to cheapen the administration consistently with efficiency, it should be borne in mind that extensive retrenchment was effected in almost all departments when the depression set in and that the votable portion of the budget is not very large. The yield of all practicable fresh retrenchments and economies will, in any case, be disappointingly low, and entirely inadequate for the purposes which claim and deserve the sympathy of all of us.

However, "Nil Desperandum" should be our motto and, guided and inspired by this motto, the Cabinet has made up its mind to appoint two committees, one to advise and report on the best means of coping with the problem of unemployment, and the other to suggest practicable devices of effecting economy and retrenchment as well as to explore fresh sources of revenue without affecting the poorer classes, with a view to enabling the new Government to enter upon a programme of providing suitable relief to the peasantry and intensifying nation-building activities..."

I73

*Linlithgow to Zetland: Rebuttal of Criticism of Constitutional Validity of
Forming Minority Ministries in Provinces*

L/PC/6/99(1)

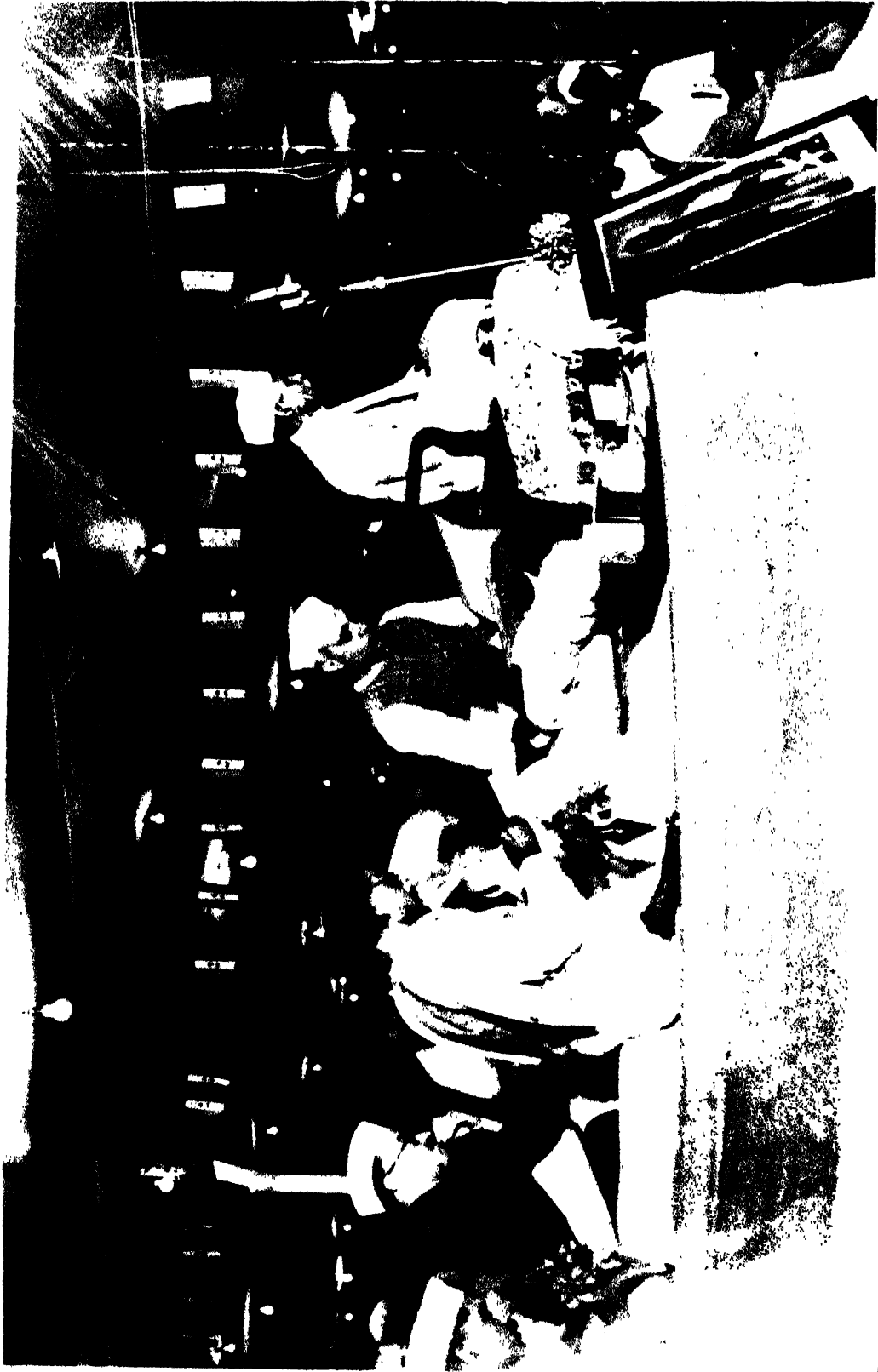
7 April 1937

Telegram-300-S

Private and personal. Following is text of draft referred to in my immediately preceding telegram.



Congress Members of Legislatures taking oath of allegiance before the Congress President



Pt. Madan Mohan Malaviya, Jawaharlal Nehru, J. B. Kripalani and others at a convention in Delhi in 1947.



M. A. Jinnah



Muhammad Iqbal



Mirza Ismail with Sarojini Naidu



Narendra Dev and Achyut Patwardhan

Unofficial opinion in Delhi wholly discounts view taken in statement issued on April 4th¹ to press by Sir Syed Wazir Hasan, formerly Chief Judge of Oudh Chief Court, that formation in six provinces of ministries unable to command a majority in the legislatures is illegal and invalid.

It is pointed out that, under paragraph No. 7 of his Instrument of Instructions, the Governor in making appointments to his Council of Ministers is required to "use his best endeavours to select his ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the Legislature those persons (including, so far as practicable, members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature".

As will be seen from these words the Instrument does not require more than that the Governor should "use his best endeavours". Sir Syed Wazir Hasan admits that in each of the six provinces the Governors complied with that instruction. The Instrument does not and for obvious reasons could not itself require a ministry to command a majority in the Legislature. Nor is any such requirement expressed in the Act.

Section 50 of the Act provides that "There shall be a Council of Ministers". Section 51 provides that "The Governor's Ministers shall be chosen and summoned by him".

As shown above, in six provinces in which the majority party declined to accept office, the Governors complied with their Instrument of Instructions in "best endeavours" which they admittedly made. When their "best endeavours" failed, it still remained incumbent upon Governor to comply with requirements of statute in appointment of Ministers.

Even had there been provision in the Instrument with which the Governors failed to comply, their action could not be called in question because of protection afforded by section 53(2). Much less can it be called in question when they have complied both with provisions of the Instrument of Instructions and with requirement imposed on them by the Act.

The suggestion made by Sir Syed Wazir Hasan that, instead of appointing ministers unable to command a majority in the Legislature, the correct constitutional course was for the Governor to have issued a proclamation under section 93, overlook, it is remarked, provision under which that section is to be used only in the event of a failure of constitutional machinery, since, before issuing a proclamation, the Governor must first be satisfied that "a situation has arisen in which

¹ See the statement of Sayed Wazir Hasan as published in *Hindustan Times* of 4 April 1937.

government of the province cannot be carried on in accordance with provisions of this Act". In the circumstances which have been explained any immediate resort to section 93 when majority party declined office, and without attempt being made to carry on government of the province in accordance with provisions of the Act with the aid of other parties, would have been premature and could not have been reconciled with requirements which statute imposes.

I74

Nehru's Statement on the Success of Anti-Constitution Day

Nehru Papers

7 April 1937

I have recently had what is for me an unusual experience. For some days I have been confined to bed with fever. Fever and I have long been strangers to each other and this new companionship has proved irksome and annoying. I am glad to say that I have ended it, and my first act on leaving my sickbed is to offer my respectful and warmest congratulations to the Indian people on the wonderful demonstration of solidarity, discipline, peaceful organisation, and unity of all classes which the hartal of April 1st demonstrated. That hartal was meant to give yet again vivid and emphatic expression to the will of the Indian people to fight and end the new constitution. It did that in a manner which none will forget. But it was something more even than that. For behind that stoppage of work the closed shops and businesses the fields lying untended for a day, the empty colleges and schools, the vast processions and meetings, one saw the masses in movement, one sensed the ferment in their millions of minds, and the hunger that drove them like an elemental force to political and social freedom. Hindu and Muslim had that common aim and, forgetting their petty rivalries of a day, worked together and made the first of April a day that we shall not forget. That first day of April set a seal on that unity which had long eluded us, and it cast its glamour on the future that we are going to fashion with our united efforts.

Efforts were made to suppress this great demonstration, especially in Bengal. They failed as they were bound to do. Some of our dear comrades have been arrested and await trial. I do not know fully the circumstances of their arrest but I do know that it was our desire to avoid

conflict with authority for that is our policy at present. But I should like to say that this general policy does not and cannot mean that we are to submit always to every foolish or offensive order that is passed by police or executive authority to impede our normal work.

The first of April saw the masses of India in motion; it also witnessed a frantic search for individuals to put on the liveries of ministers, for ministries were going abegging and there were few so poor in spirit as to be tempted by them. The strange and vivid contrast between these two brought out the difference between the real India and the marionettes that are made to function on the official stage. And the two together brought out the pitiful absurdity of the new constitution which the people of India have already turned into a corpse that awaits burial.

Lawyers, as is their wont, discuss the mechanics of this constitution, and some even forget their law in their eagerness to champion the British cause. And faded and discarded individuals, whose groups and policies the public had brushed aside into nothingness, appear against interlopers and usurpers, posing as ministers, though they have no sanction or strength behind them, except the force of British arms to support them.¹ Legal quibbles will find rest now for the most eminent of the constitutionalists, Professor Berriedale Keith, has had his say and condemned the Act and supported the Congress attitude.

But behind the mechanics of the constitution lie the realities of the situation, and these realities are that the masses have entrusted the Congress with their mandate and their power to fight this constitution. They are not going to abdicate that power because minority ministries function and the provincial assemblies are not allowed to meet for months. We shall know how to deal with this and every situation for the initiative lies with us so long as the masses are with us and we are true to our mandate. But our eyes must always be turned to these masses, and not to legal quibbles, and the test of every action must be that it increases the strength of the masses.

¹ The Congress having refused acceptance of the office, a deadlock ensued in the Provinces, where it had a majority, and the Governors, prompted by the Viceroy, appointed interim ministries, which had no support of the legislators.

175

*Haig to Linlithgow : First Report on Political Conditions in U.P. under the New Constitution**Linlithgow Papers*

CAMP,
7 April 1937

MY DEAR LORD LINLITHGOW,

I am sending my first report of political conditions in the United Provinces under the new Constitution. There is so much going on at present and the situation is so fluid that I propose, to begin with, to send these reports fortnightly. I shall send copies of these reports direct to the Secretary of State in accordance with the instructions contained in his Despatch Reforms, No. 1, dated the 17th March 1937.

2. The latter half of March was a time when events moved in a surprising way, and opinion fluctuated widely in sympathy with events. It had been assumed for some time in this province that the Congress would certainly take office. Though there were not lacking those who realised that the true test of the new Constitution would come only through the nationalist elements taking office, there was on the whole a widespread apprehension as to the practical results. Even the Liberals, who might have been expected to be the first to welcome such a development in accordance with their own principles, were seriously alarmed at a position in which the more moderate Congressmen would be directing the machinery of Government, while the Extremists under the leadership of Jawaharlal Nehru would be organising revolution almost unhampered outside. It was generally assumed that however excellent the intentions of the more moderate Congressmen might be, they would be unable in fact to oppose the policy of Jawaharlal Nehru in this Province. The landlords naturally were full of apprehension, and realised that their very existence was threatened. There were traces of uneasiness in the Services, and among the common people there was a feeling, sedulously fostered by successful Congress candidates and other Congress workers, that Congress raj was coming, which they were apt to interpret as being inconsistent with British raj. It was a period of uneasy expectancy, nobody quite knowing what was likely to emerge. The non-Congress elements in the Legislative Assembly were sufficiently alarmed to try to sink their differences and get together, and a movement was started for forming a united opposition which would be advised from the background by Sir Tej Bahadur Sapru. This move however had not proceeded beyond discussion.

3. In these conditions the decision of the Congress not to take office involved everyone in a complete mental readjustment. Congress as a whole were, I think, very genuinely disappointed. They had pictured in bright colours the rewards of victory, the authority they would exercise, their power over their enemies and over the Services, and it was a bitter disappointment when these pictures suddenly vanished. In the villages I should imagine, though I have not yet had any very definite reports, that the immediate effect is likely to have been a considerable diminution in the prestige of Congress. Moderate Nationalist opinion seemed to forget its former apprehensions about the results of a Congress ministry and to realise very clearly the disadvantages of breaking away from constitutional procedure. There seemed to be a feeling that the Congress had made a mistake not only from their own point of view but from the point of view of the country. It was presumably under the influence of feelings of this kind that the Liberals, without exception, refused to take office in the minority Government. Not only did they refused to co-operate, but the *Leader* has been pouring its contempt on the new Government as freely as it pours its wrath on the Congress.

4. When Mr. Pant finally declined on the 29th March to form a government, I asked the Nawab of Chhatari the same evening to undertake this task. He was the only person to whom I could turn. The number of those in the Legislative Assembly not elected on the Congress ticket is 96. Of these 30 are Muslims; Some 28 belonging to the Muslim League and the remainder 38 having a general allegiance to Chhatari. The 29 non-Congressmen consist of Hindu zamindars, sheduled castes, special interests and minorities. It was evident that the new ministry must be led by a Muslim and that Chhatari had the greatest following among Muslims, particularly as a certain number of the Muslim Leaguers are not really in sympathy with the rather extreme policy of Khaliquzzaman, their leader, and are in fact naturally closer to Chhatari's views. Chhatari however found great difficulty in forming a ministry. Khaliq immediately declined to have anything to do with it and worked actively against its formation. The Liberals, whom Chhatari was anxious to include, unanimously declined. He tried Mr. Chintamani, Sir Maharaj Singh and Sir Sita Ram without success. He was thus thrown back practically on the landlord and conservative interest. He himself was in some difficulty, as he did not wish to be accused of disrupting the Muslims which, owing to the attitude of Khaliq, was bound to be the result of his forming a ministry. After some hesitation, however, he agreed to form a ministry, the members of which were in fact quite pleased to take office. It consisted, besides Chhattari, of my two ex-Ministers, Sir Muhammed Yusuf and Sir J.P. Srivastava, the Raja of Salempur, who represents the right wing of the Muslim League, Raja

Maheshwar Dayal Seth, one of the younger Taluqdars and an intelligent and liberalminded landlord who had done a great deal of work in organising the Agriculturist Party in Oudh, and two other landlords without much experience of public affairs—the Maharajkumar of Vizianagram and the Raja of Tirwa. The communal composition is three Muslims and four Hindus. Under normal circumstances it had been assumed that the Cabinet would consist of two Muslims and four Hindus; but in view of the nature of the support to this ministry, the addition of another Muslim was inevitable.

5. The Muslim League position is obscure and uncertain. When the Congress appeared to be contemplating taking office, they had adopted a very rigid attitude with regard to the Muslims and it was understood that they would not take in any Muslim who did not sign the Congress pledge. The Muslim League, under the leadership of Khaliq, were exceedingly ready to come to a settlement with them, but the Congress showed no signs of accepting this position. On the other hand, as soon as Mr. Pant had seen me on March 24th and office acceptance appeared to be impossible, overtures were immediately made by the Congress to the Muslim League and I am told they were offered two seats in the Cabinet. These negotiations have since continued and there is no doubt that the Muslim League are looking forward to an alliance with the Congress and taking office. What the intentions of the Congress may be in this manoeuvre it is difficult to understand. At present it looks as if the new Government will gradually attract to itself a fair number of the Muslim Leaguers, who are certainly not for the most part in sympathy with the Congress, and may be naturally inclined to support a Government which is led by a Muslim.

6. The new Cabinet has possibilities. It is too early of course yet to say how it will shape; but it shows some signs of an inclination to take a fairly vigorous line and to try to evolve a policy of its own, not merely accepting as inevitable its extinction in three or four months and preparing for its own demise. There is even some talk of trying to secure a majority in August, though I confess I do not myself see how that could be possible. But Srivastava is essentially a fighter and fertile in expedients. The Chief Minister is keen on an idea which he has had in his mind for many years, of solving the tenancy problem by a scheme of land purchase, and he intends to have the possibilities of this carefully examined in the Secretariat. One of the attractions to him of this idea is that it is one which has never been put before the electorate by the Congress, for there is a general feeling that anything that may be done or attempted by the present ministry on the normal lines of tenancy reform would be regarded as indirectly the result of the Congress agitation and would merely send up the credit of the Congress.

7. Generally speaking, the conditions are not favourable for widespread agitation in the village, for on the whole the harvest that is now being reaped is a good one and the prices of wheat and the other rabi crops have risen lately in a most satisfactory manner. There are, however, two unfortunate features. The sugarcane situation is giving rise to serious anxiety. The area under sugarcane this year is very much higher than it has ever been before and the supply of cane is undoubtedly a good deal more than the market can properly absorb. This would have given rise to difficulty in any case, but the difficulty has been accentuated by the enhancement of the sugar excise duty. This has not been passed on to the consumer by a rise in the price of sugar and consequently the whole burden has fallen on the industry. There were threats, which though they may have contained an element of bluff, contained also an undoubted element of reality, that large numbers of sugar factories would close down on the 1st April. This would have been a major disaster for our sugarcane crop, for in the areas of chief production it was estimated that one-third of the crop was standing unsold on that date. To meet this situation, we reduced the minimum price of sugarcane by three pies a maund from the 1st April and the undoubtedly eased the situation. The factories are still working, but it will almost certainly be necessary to reduce the minimum price by another three pies from the 16th April, and probably by a further three pies from the 1st May. If this is done, it may be anticipated that the factories will for the most part work the full period and the cultivators although getting a reduced price will not be faced with a dead loss. I may add that the figures we have got about sugarcane sowings for next year are reassuring. I do not think we shall have a recurrence of these conditions.

9. The present position is that the landlords have been considerably heartened by the new turn of events. The villagers seem at the moment to be settling down and waiting to see what will happen. There is no noticeable development of anti-British or anti-Government feeling. On the other hand, the Congress have not yet shown their hand, and it is not clear what policy Jawaharlal Nehru will pursue. The new ministry are convinced that it would weaken their position fatally if they were to meet the legislature in April, and I am entirely in agreement with them. I do not therefore propose to summon the legislature until July or August. The Congress will be very indignant at this decision, and may try to stage some spectacular demonstration.

176

*Linlithgow to Zetland on the Need of HMG Giving Authoritative
Interpretation of the Statute*

L/PCO/6/99(1)

7 April 1937

Telegram-299-S

Private and personal. Syed Wazir Hasan, President of the last session of the All-India Moslem League and late Chief Judge of Oudh has issued formal and reasoned statement arguing that the action of the Governors in appointing minor ministries is "clearly illegal" in that minor ministries do not represent "stable ministries formed in consultation with persons who will be in the best position collectively to command the confidence of the legislature" and that proper course for Governor to take when he is unable to form government from majority is to fall back at once on section 93. Statement accepts relevance of section 53(2) of the Act but comments that "this provision does not make the act of the Governor any the less illegal. It simply bars the remedy but does not validate an act which is *per se*".

2. Congress are clearly considerably embarrassed at the fact that minor ministries have been formed in six provinces and nothing would please them better, I am sure, than that we should be driven at once to fall back on section 93. I have, as you know, no intention whatever of doing so and I am in no way moved by arguments advanced in this latest statement, which so far as I can judge, are misconceived. I had thought best thing would be to issue an informal reply on the lines of draft contained in my immediately succeeding telegram (it is clearly preferable that any reply should not be a formal reply by Government since on one hand the Government of India as such are no longer directly concerned with handling by Governors of provincial situation, while there are obvious objections to issue of an explanation by Governor-General personally. Further H.M.G. alone can give an authoritative interpretation of Statute). I think however that by far the best thing would be that you should, if you see no objection, deal with this point in your statement in the Lords tomorrow. I am sure it is worth emphasising that H.M.G. are entirely satisfied that there is nothing either unconstitutional or illegal in formation of minority ministries in circumstances of Congress provinces.

I77*Cabinet Discussion on the Proposed Statement by the Secretary of State for India to be made in Parliament**Cabinet Papers, No. 2388*

7 April 1937

Secretary of State for India (C.P.-106 (37))¹ reporting to his colleagues the nature of the negotiations in six Indian Provinces where, as the result of the recent Provincial Elections, the Congress Party had a majority, which had led to the refusal of office by the person approached by the Governor in each of the Provinces as the leading Congress representative.

The Secretary of State for India made a statement in amplification of his Memorandum. He recalled that, as the result of the Provincial Elections in India under the act of 1935, Congress was found to have an absolute majority in 5 out of the 11 Provinces. Speculation had then arisen as to the attitude towards acceptance of office of Congress Party. A Congress Committee had met and had passed a resolution which at first had been interpreted to mean that Congress was prepared to accept office. It was only when the Governors of the Provinces sent for the Congress leaders and invited them to form Ministries that it had become clear that, under the directions of Congress, the Governors were being asked for assurances which they could not possibly give. The whole situation, therefore, had been changed. Many Congress men had themselves been bewildered. Mr. Gandhi had then issued a statement in which he claimed the authorship of the Congress formula and said he could not understand why the Governors could not fall in with it, as they were only asked to do something quite small, which he alleged the later Secretary of State had agreed to and which was well within the competence of the Governors. That attitude confused the situation still more. The Secretary of State for India therefore proposed, in reply to a question by Lord Lothian, to make a statement in the House of Lords in order to clarify the situation. He proposed to make it clear—

- (i) That it was not open to Governors within the framework of the Constitution to give the assurances asked for, namely, that the Governors should not use their special powers in fulfilment of their responsibilities:

¹ See No 152

- (ii) To stress the fact that even if it had been possible the Governors would not have been able to give the pledge for the reason that it would have been a gross breach of faith to minorities and others who looked to the Governors to safeguard their rights:
- (iii) That, while he would welcome any gesture by the Congress Party which would lead to the possibility of their accepting office, the Government could not give Congress a privileged position in a feature of the Constitution which applied to all Parties.

He hoped such a statement would clear the air and give some time in which it would be seen if Congress was prepared to modify its attitude. In six Provinces where Congress had a majority, leaders of minority parties had formed Ministries, and in the remaining Provinces Ministries had been formed in the ordinary way either from the Majority Party or from a coalition of Parties which would be able to command support in the Legislature. The Secretary of State had suggested that in the Provinces where a Minority Government was in office the Governors should take advantage of their powers not to summon the Legislature for six months; otherwise the Minority Ministries would be thrown out. He paid a tribute to those persons who had been willing to form Minority Governments.

In the course of a short discussion it was strongly urged that a statement of a similar character should be made in the House of Commons on the same day as in the House of Lords.

The Lord Privy Seal made some suggestions in regard to the statement, viz:-

- (1) That the Secretary of State for India, in referring to the Congress resolution, should quote its actual terms (which the Secretary of State explained was his intention):
- (2) That he should emphasise the point in paragraph 5 of C.P.—106 (37) that it would be quite impossible for any Governor to give any undertaking which would amount to a promise not to exercise the special powers vested in him by the Act, etc.:

and

- (3) That any suggestion that the Viceroy ought to send for Mr. Gandhi would have to be rejected, but that if Mr. Gandhi asked to see the Viceroy he should not refuse.

The Cabinet agreed—

- (a) To approve the general lines of the statement to be made by the Secretary of State for India in the House of Lords on Thursday, April 8th:
- (b) That a corresponding statement should be made in the House of Commons on the same day.

178

*Zetland's Statement on Congress and Provincial Governments
(Extract)*

*Parliamentary Debates
House of Lords, 8 April 1937*

INDIA: NATIONAL CONGRESS AND PROVINCIAL GOVERNMENTS

The Marquess of Lothian rose to ask His Majesty's Government whether they can give the House any information as to the circumstances in which the leaders of the Indian National Congress, which recently obtained a majority in a number of Indian Provinces, have refused to accept office under the new Constitution; and to move for Papers.

The Secretary of State for India (The Marquess of Zetland): My Lords, I have been asked by my noble friend the Leader of the House (Viscount Halifax) to express to your Lordships his great regret that he is unable to be present this afternoon, more particularly in view of the interest which he takes in the subject that has been brought to our notice by the noble Marquess. My noble friend the Leader of the House unfortunately is detained elsewhere by an engagement which it was too late to cancel when the noble Marquess's Question appeared on the Order Paper. Nevertheless I am very grateful to the noble Marquess for giving me this opportunity of making a statement with regard to the present position in India, and in doing so may I say with what interest and with what pleasure I listened to what seemed to me, if I may say so, to be the really admirable speech with which the noble Marquess accompanied his Question to me.

In order to make the position clear I must remind your Lordships briefly of the events which led up to the refusal of the representatives of the Congress Party to accept office in those Provinces in which they commanded a majority in the Legislatures. Let me start with the Elections which took place some six weeks ago. The noble Marquess in the course of his speech asked me for statistics with regard to the electorates in the different Provinces. I regret that I am not at the moment in possession of the detailed information which would enable me to reply to the noble Marquess under that head, but I would propose, as he suggested, as soon as the information reaches me, to make it available in the form of a White Paper, and that I understand will meet the noble Marquess's convenience. It is perhaps sufficient for my purpose this afternoon if I remind your Lordships that at the conclusion of the Elections the Congress Party were in a majority in six out of the

eleven Provinces. It was very natural, in view of the attitude which the Congress had all along taken towards the Constitution Act, that speculation should at once become rife as to the attitude which they would now adopt towards the acceptance of office, and it was brought to my notice at an early stage of the events which followed the Elections that an attempt would be likely to be made to secure from the Governors as a condition of the acceptance of office by the Congress certain assurances with regard to the use by the Governors of their special powers. In these circumstances the Viceroy, with my full approval, reminded the Governors in the Provinces that while they were entitled to offer, and while indeed he hoped that they would offer, to the Congress leaders in their Provinces the fullest support possible within the framework of the Constitution, there were certain obligations imposed upon them by Parliament of which they could not divest themselves without the authority of Parliament itself.

The scene shifted temporarily from the Provinces to Delhi where, as the noble Marquess has reminded us, the All India Congress Committee were in session, and on March 18 the Committee adopted a resolution in the terms which have been given to your Lordships by my noble friend Lord Lothian. Let me repeat the terms of that resolution, because the resolution is an essential factor in the situation. They run as follows:

“The All India Congress Committee authorises and permits acceptance of offices in the Provinces where Congress commands a majority in the Legislature, provided that Ministerships shall not be accepted unless the leader of the Congress Party in the Legislature is satisfied, and able to state publicly, that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities”.

I confess that there did seem to me to be some ambiguity in the phraseology of that resolution, and in particular with regard to the words “in regard to their constitutional activities”, and I am all the more confirmed in that view after listening to the extract from the leading article of the *Tribune* of Lahore which the noble Marquess brought to your Lordships’ attention in the course of his speech. But in India it seemed to be generally accepted, both in the Press and in other quarters, that the Congress were now in a position to assure themselves as to the attitude of the Governors towards them without demanding from the Governors any specific assurances which they were not in a position to give them, and when the leaders in the Provinces were invited by the Governors to discuss with them the formation of Ministries it was generally supposed that the question was satisfactorily settled.

It was at this stage, however, that a complete change came over the

scene. Acting apparently upon instructions from Congress Headquarters those who had been invited by the Governors in each of the six Provinces to form Ministries declined to accept office unless they received the very assurance which it was constitutionally impossible for the Governors to give them. This was made clear to the public in a series of statements both by the Governors themselves and by certain of the Congress leaders. The tenor of all these statements was much the same, and it is unnecessary therefore for me to trouble your Lordships by quoting extracts from more than one of them.

Mr. Rajagopalachari, who had been invited by Lord Erskine, the Governor of Madras, to form a Ministry in that Province, said in the course of his statement:

“I explained [that is to Lord Erskine] that I and my Cabinet should be given the fullest freedom of action inside the scope of Provincial Autonomy said to be given under the Government of India Act, and that, while we remain in office and undertake the responsibility of the government of the Province, His Excellency should assure us—”

and of course these are the essential words—

“that he will not use his special powers of interference or set aside the advice of the Ministers”.

That was a perfectly categorical statement of the pledge he demanded from the Governor. He went on to say:

“I regret to say that beyond the general offer of good will and co-operation His Excellency has refused to assist me with any assurance of non-interference, formal or informal. I had therefore no option but to express my inability to take up the office under the conditions and respectfully to decline the invitation to form the Ministry”.

That then, my Lords, was the position when on March 30th, to my mind, really surprising statement to which the noble Marquess has referred was issued by Mr. Gandhi to the Press.

In the course of it he claimed to be the sole author of the formula authorising Congress to accept office in those Provinces in which they were in a majority. He made the following observations:

“My desire was not to lay down any impossible conditions. On the contrary, I wanted to devise a condition that could easily be accepted by the Governors. There was no intention whatsoever of laying down a condition whose acceptance would mean the slightest abrogation of the Constitution”.

He added:

"Have I not heard Sir Samuel Hoare and other Ministers say in so many words that ordinarily the Governors would not use their admittedly large powers of interference?"

And finally he said:

"I claim that the Congress formula asked for nothing more."

In other words, Mr. Gandhi now claims that what he was asking from the Governors was quite a small thing, and a thing, moreover, which my right honourable friend and predecessor in office, Sir Samuel Hoare, could quite easily have contemplated, and indeed had contemplated, the Governors being able to give.

As to this I need only say that I have the authority of my right honourable friend for saying that, while he often expressed the view that no occasion for the use by the Governor of his reserve powers need necessarily ever arise, he has never uttered a word which could possibly suggest that he ever contemplated a Governor pledging himself in advance, as he was now being asked to do, to make no use of his special powers. Mr. Gandhi's statement is indeed so astonishing that it appears to me to be explicable only upon the assumption either that he has never read the Act of 1935 and the Instrument of Instructions to the Governors, or indeed the Report of the Joint Select Committee, or that if he has done so, he had completely forgotten when he made his statement to the Press the provisions which are embodied in those documents with regard to the special responsibilities which are imposed upon the Governors. It is all the more unfortunate that Mr. Gandhi should have made a statement of that kind without the look in that. In India very large numbers of people are accustomed to regard any statement of the kind made by Mr. Gandhi as being necessarily correct.

In view of the misapprehensions to which it has undoubtedly given rise in India, and to some extent in this country also, it seems to be desirable that I should make it clear beyond all possibility of doubt that the demand made to the Governors was one which, without an amendment of the Constitution, they could not possibly have accepted. Perhaps the simplest way of doing that is to consider a concrete example of the position which might arise—quite possibly would arise—if the assurances demanded were in fact to be given. It will be remembered that under Section 52 of the Act certain obligations are imposed upon the Governors of the Provinces, including, for example, an obligation to safeguard the legitimate interests of minorities in India, and further that in so far as any such responsibility is involved the Governor shall in the course of his functions exercise his individual judgement as to the

action which is to be taken. Now what precisely does that mean? If anybody has any doubts as to what is meant by that he will find his doubts dispelled by a reference to Paragraph VIII of the Instrument of Instructions to the Governors, which, like the Act itself, has been passed by both Houses of Parliament.

That paragraph reads as follows:

"In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by or under the Act to exercise in his discretion, our Governor shall—"

and this appears to be, as my noble friend the Marquess of Lothian said, the ordinary practice—

"in the exercise of the powers conferred upon him be guided by the advice of his Ministers—"

that is the ordinary practice, "unless," and this is where the important exception comes in—

"unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the Act committed to him, or with the proper discharge of any of the functions which he is otherwise by or under the Act required to exercise in his individual judgement; in any of which cases our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by or under the Act conferred upon him in such manner as to his individual judgement seems requisite for the due discharge of the responsibilities and functions aforesaid...."

Like the phraseology of all Acts of Parliament and documents of that kind, that sounds a little long and a little involved, but I think it will be quite clear to your Lordships what the effect of it is.

Let us suppose, by way of example, that in a Province in which Hindus are in a majority, or, if you like, in a Province in which the Moslems are in a majority, a Ministry makes a proposal which would have the effect of curtailing the educational facilities for the Moslems in the one case or for the Hindus in the other case, their action would clearly come within the Congress formula, because it is within the legal competence of the Ministry to propose and of the Legislature to enact such a measure. It could not, therefore, be described as anything but a constitutional activity on their part, and of course it was precisely because it was realised that action of that kind could be taken within the framework of the Constitution that Parliament determined to impose upon the Governor the obligation of protecting the interests of minorities. Very well; in the case that I am considering it is clear that the special responsibility for the safeguarding of the legitimate interests of

the minority would be involved, and in accordance with the provisions of the Act and of the Instrument of Instructions the Governor would be bound to exercise his individual judgement as to the action to be taken. As the noble Marquess has pointed out, it does not follow that, because he was exercising his individual judgment, he would differ from the advice tendered to him by his Ministers. He might or he might not, but it is within his competence to decide in that case what is to be the action which shall be taken. Now if the Governor had already given the assurance which he was asked to give by the leaders of the Congress who were invited to form Ministries, he would no longer be free to exercise his individual judgement, because he would have promised in any case not to set aside the advice of his Ministers, and he would therefore be disabled from discharging the obligation which had specifically been imposed upon him by Parliament.

I hope, my Lords, that by this very simple illustration—and of course it is only one illustration of many which might be given—I have made it clear that the Governors could not give, within the framework of the Constitution, the assurance which was asked of them, and that Mr. Gandhi is therefore in error in assuming that they could. But I would add this: that even supposing that it had been possible, within the framework of the Constitution, to give a pledge of that kind, the pledge could not have been given without a grave breach of faith with the minorities and others in India who had been promised the protection against the arbitrary rule of a majority involved in the special responsibilities and obligations imposed upon the Governor and the powers vested in the Governor to enable him to make the safeguards effective. Opinions, I know, may well differ as to the extent of the necessity for safeguards of this kind, and my noble friend Lord Snell and I have never been able to see eye to eye on this question. But there is no doubt whatsoever that the minorities in India—and, after all, they are the people primarily affected—do attach the utmost importance to them. It so happens that it was an Indian newspaper, *Justice of Madras*, which compared the Congress demand for non-interference by the Governors to the demand of incendiaries who were requiring an assurance that the fire engines would not be used to put out a conflagration which they had started. That, as I say, is the opinion of an Indian newspaper, and is not an expression of my own views.

Very well, then, I hope that I have made the constitutional position clear, and let me say, having done that, how profoundly I regret the refusal of the majority in India to take office. In those Provinces—Bengal, the Punjab, the North-West Frontier Province, Sind and Assam—where the Congress are not in a majority, Ministries have been

formed and are now functioning. In the Provinces in which the Congress are in a majority, Minority Ministries have been formed, and I cannot refrain from giving expression to the appreciation which I am sure must be felt in all quarters of the House, of the public spirit which has been shown by the members of these Minority Ministries who have undertaken what must clearly be to them a very difficult and probably a very distasteful task.

The Marquess of Zetland: We may well applaud not only their public spirit but also the sense of the realities of the situation which they have displayed, and we may, I hope, offer to them our cordial good wishes in the discharge of the onerous duties which they have undertaken. I have noticed suggestions—and I cannot pass these by without a few words—to the effect that the appointment of such Ministries is unconstitutional. Let me say that His Majesty's Government are altogether unable to accept as valid any such suggestion. The Act contains a mandatory requirement that "there shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions," and this makes Ministries an indispensable part of the machinery for carrying on provincial government under Part III of the Act. It further provides that the functions of the Governor with respect to the choosing of his Ministers shall be exercised by him in his discretion.

It is of course true, and nobody would wish to deny it, that the assumption underlying the Act is that any Council of Ministers appointed will, if possible, be selected from persons who command a majority in the Legislature, and that this should be so is necessitated, naturally, by the fact that without the support of the majority in the Legislature they could not count upon securing their essential legislation or the support which they require for carrying on Government. Accordingly, in Paragraph VII of the Instrument of Instructions, the Governor is enjoined to "use his best endeavours" to select his Ministers in a manner which will ensure that they have such support in the Legislature. But this injunction in the Instrument of Instructions is necessarily not a hard-and-fast one. The wording of it was purposely chosen so as to make allowance for circumstances in which a rigid injunction to this effect might have been impossible to carry out. Hence the expression "use his best endeavours." After all, the King's Government must be carried on, and if the situation is such that the representatives of the majority Party in the Legislature refuse to accept office, it is unquestionably open to the Governor to invite other persons to form a Council of Ministers for the purpose of enabling the King's Government to be carried on in accordance with the provisions of the

Act, and if such persons accept the Governor's invitation there is nothing in the Act which renders their action, or that of the Governor, either unconstitutional or illegal.

It has also been suggested, my Lords, in connection with the present situation, that the Viceroy should send for Mr. Gandhi in the hope, presumably, of persuading him to modify the attitude towards the acceptance of office which, at his instance, the Congress have taken up. I confess that I find it difficult to see what purpose would be served by such an action on his part. This is, after all, a question of the Governments in the Provinces under a system of Provincial Autonomy, an outstanding feature of which is the relaxation of control by the Centre, and as I have already explained, the Governors in the Provinces have already taken the initiative by inviting the representatives of the Congress to form Ministries. It is the Congressmen themselves who have declined, and unless they wish to modify the attitude which they have taken up there is obviously for the present no more to be said. On the other hand, if their decision has, indeed, been due to a genuine misunderstanding of the constitutional position of the Governors, and if Mr. Gandhi, or anyone else representing the Congress, recognising now the real constitutional position as I have tried to explain it this afternoon, was to express a desire in these altered circumstances to see the Viceroy, I have little doubt that the Viceroy would approach the request with every desire to reach an understanding as to what the position of the Congress leaders in the Provinces actually is in the matter. But it is clearly for those who have been under a misapprehension, if such indeed be the case, to say so.

As to the future, that will depend, of course, on the attitude of the Legislatures, and the Act requires that they shall be summoned not later than six months from the date of the coming into operation of the Constitution. It may be that the policy of the Minority Governments will meet with the approval of the Legislatures. If so, well and good. If, on the other hand, it does not, it will then be open to the Legislatures to express their disapproval in the recognised way. It will then further be open to the majority, in accordance with the universally accepted practice under a system of responsible self-government, to form a Ministry and so to accept responsibility for their action in displacing the Ministry already in power.

The noble Marquess, in a letter which appeared in *The Times* on Tuesday last, stressed the magnitude of the opportunities which are now open to the public men of India if only they are willing to make use of them; and it is, surely, little less than a tragedy that they should fail to do so, and that they should at the very outset of the new Constitution place this obstacle in the way of that orderly constitutional progress which I

am profoundly convinced the vast majority of thinking men in India desire. Let there be no misunderstanding as to what I am now saying. I must repeat that the reserve powers are an integral part of the Constitution, that they cannot be abrogated except by Parliament itself, and that the Governors therefore cannot treat the Congress as a privileged body which is exempt from the provisions of the Constitution by which all other Parties are bound. But having said so much, let me add that, for my part, I gladly repeat what has been said on many occasions both by my right honourable friend Sir Samuel Hoare, and by many others—namely, that there is no reason why the reserve powers of the Governors should come into play. Whether they do or not must, of course, depend upon the policy and proceedings of the Ministries themselves, and it is in a spirit of cordial cooperation with, and of sympathetic understanding of, the position of the Ministries, from whatever Party they may be drawn, that the Act will be administered.

179

Pant to Rajendra Prasad on Breakdown of Negotiations with the Governor

Rajendra Prasad Papers

HALDWANI, 8 April 1937

MY DEAR RAJENDRA BABU,

I was just on the point of writing to you when I received your letter. I have been concerned to hear of the deterioration in your health. From the medical report that appeared in the papers recently it appears that your weak frame has been greatly shaken during the election campaign and since. You have mercilessly overworked yourself regardless of consequences. Emergency brooks no law and no regulation. So I am not surprised to find that you need absolute rest for some time. I trust you will allow yourself at least the minimum rest necessary for recuperation as otherwise even your public utility is likely to be prejudiced. I should, however, like to know more about your present state and shall feel obliged if you will kindly drop a line or two to me every week until you have regained your normal state.

I dare say you have been following all that is passing here and abroad. Some of our friends were unduly depressed on the breakdown of the first negotiations but majority, I believe, were satisfied that there was no

atmosphere for constructive work. The controversy has mainly centered round technicalities which are hardly of much importance where grave human issues are involved. I personally feel that if there is a will to arrive at a settlement hair splitting quibbles would not stand in the way. They are pressed into service only to serve as an excuse for what one is not prepared to accept in substance. The real obstacle is false sense of prestige which still haunts the British Government and not the language of the Act. If there is a dawn of sense and genuine desire to allow the Congress a fair deal they may yet realise their mistake. Otherwise we will continue our work in our old ways unperturbed and unexcited. Care will have to be taken, however, to avoid pitfalls and false steps. I am writing to-day to the Governor here to convene the session of the Assembly forthwith as the Act contemplates and if he fails to do so I propose to advise my party to start their legislative activities in an informal manner. Thus we will be initiating a sort of parallel Government, or, to be more precise, a semblance of it.

I should be chary to ignore your wishes. I am anxious to carry out your directions as to my proceeding to Santhal Parganas for their conference. But I have many accumulated arrears to attend to as I had not a moment's time to myself continuously for several months. The Working Committee is likely to meet in the last week at Wardha and our dates may conflict. I wonder if they can conveniently wait till July or if it would suit their convenience. The agriculturists should, perhaps, be absorbed in their operations and may not find any leisure then. I am finding a real difficulty in my attending the conference in the latter half of this month as the organisers desire. I have received a telegram from the Secretary just now but have not yet answered.

Trust this finds you well.

Yours sincerely,
G.B. PANT

180

B.R. Ambedkar's Statement on the 'Constitutional Impasse'

Times of India, Bombay 9 April 1937

Dr. B.R. Ambedkar has issued the following statement on the constitutional impasse in India:-

I cannot understand why Congressmen blame the Governors for forming what are called *Interim Ministries* and I am somewhat surprised to find that Congressmen who were so unwilling to accept offices and

whose programme was to wreck the Constitution, instead of heaving a sigh of relief at the installation of the Interim Ministries, should be so clamorous and indignant at the loss of the chance that one begins to suspect that their cry of wrecking the Constitution was a mere pose.

The Governors will come in for blame only if they use their special powers under the Constitution to keep in office Ministers who have lost the confidence of the majority of the legislature, because under the Instrument of Instructions issued to them the Governors have been enjoined to be studious so to exercise their powers as not to enable their Ministers to rely upon their special powers in order to relieve themselves of the responsibilities which properly belong to Ministers. That situation has not yet arisen, and before passing any criticism upon the action of the Governors we have to wait and see what they do when the Ministers who are now in charge are defeated by the adverse vote of the legislatures.

MAIN QUESTION

The principal question, however, is whether the Congress was justified in asking an undertaking from the Governor before accepting office, to which they are by reason of their majority entitled. It is admitted by Congressmen that they do not want an amendment of the Statute. It is the contention of Congressmen that the Governors could have given the undertaking they wanted without in any way abrogating the provisions of the Government of India Act. And the question is whether such an undertaking can be given without the abrogation of the Statute.

No student of constitutional law will admit the correctness of the statement that under the English Constitution there is a convention whereby the King is bound not to exercise his power of veto against the advice of the Ministry. On the contrary there are cases where the King has exercised his right of veto and that too against a Ministry having a majority in the House of Commons. However, that is not the question with which we are immediately concerned. The question we are concerned with is whether, without affecting the provisions of the Government of India Act, it is possible for the Governors to agree to suspend their special powers. The view taken by Mr. Bhulabhai Desai appears to be founded on the belief that there is no difference between the special powers given to the Governor under the Government of India Act and the veto powers of the King. But I contend that the power of individual judgment or individual discretion vested in the Governor is of a totally different character from the power of veto possessed by the King under the English Constitution.

It is the view of many that the Government of India Act of 1935 establishes a Parliamentary system of popular government or, to use the technical expression, a system of ministerial responsibility. But this is a

mistake. In a system of ministerial responsibility the head of the administration is not responsible for any evil consequences that may flow out of the act done by the Minister. But under the Government of India Act the Governor is made responsible for seeing that, while the Ministry is free to do what it likes, nothing is done by the Ministry which produces certain consequences such as disturbance of the peace and tranquility, injury to a minority, discrimination on the basis of religion, etc.

The system of Government embodied in the Government of India Act is a system of limited Ministry. It is not a system of limited monarchy. In a limited monarchy the authority of the monarch is limited by the power of the Ministry. In a limited ministry system the power of the Ministers is limited by the authority of the Governor. If these distinctions—the distinction between veto power and individual judgment and the distinction between limited ministry and limited monarchy—are borne in mind, it will be easy to understand why the King can suspend his power of veto and the Governor cannot.

The reason why the King can and the Governor cannot is to be found in the fact that in the English Constitution the King is not responsible for the administration of the country, while in the Indian Constitution the Governor is responsible for the administration of the Province. The King can dispense with his veto power because he is not responsible for anything done. The Governor cannot give up his special powers. Under the law he is responsible for whatever is done by the Ministry should the action of the Ministry result in evil consequences. One may quarrel with the Constitution and insist that the responsibility should be on the Ministry and not on the Governor, but one cannot ignore it.

Taking the Constitution as it is and marking the difference that exists between it and the English Constitution, there is no question in my mind that the legal inability of the Governors to abandon their special powers is real and that they could not have abdicated their functions without violation of the constitutional law, which by their Instrument of Instructions they are bound to carry out. To put it in a simpler form, one can give up power if there is no responsibility, but one cannot give up power if there is responsibility.

Leaving aside questions of law, the reasons given by Congressmen as to why they think it necessary to have an undertaking from the Governors before accepting office do not carry any conviction to my mind. It is urged that the special powers of Governors are so enormous that they make ministerial responsibility quite unreal. But is it really so? I do not agree.

The objection to the special powers derives its force chiefly from the form and the language in which they have been worded. Supposing

section 52 of the Government of India Act were worded in this way:

- (a) The Ministry may do anything provided it does not disturb the peace and tranquility of the Province.
- (b) The Ministry may do anything provided it does not injure the interests of the minorities.
- (c) The Ministry may do anything provided it does not take away the legitimate rights of the members of the public services.
- (d) The Ministry may do anything provided it does not practise discrimination against any person or community on the ground of race or religion.
- (e) The Ministry may do anything provided it does not neglect the interests of the backward tracts.
- (f) The Ministry may do anything provided it does not invade the rights of an Indian State.
- (g) The Ministry may do anything provided it does not do anything which will set aside an order lawfully issued by the Federal Government.

I am sure nobody can say that this is not a correct reproduction of the provisions relating to the special powers of the Governor as embodied in section 52. I ask all serious critics of the Government of India Act whether there could be much objection to the special responsibilities of the Governors if they had been worded in the form in which I have worded them? Read in the terms in which I have reproduced them, the special responsibilities of the Governor are merely canons of good administration which every Ministry, even a ministry enjoying full responsibility, would be expected to observe in the course of its administration. The existence of special powers, in my judgment, could never be urged as a serious ground of objection to the working of the Constitution.

The veto power of the King and the special powers of the Governor, although different in their scope, are alike in their nature. Both give powers of interference, and if there can be a serious objection to the special powers of the Governors, there must also be a serious objection to the veto power of the King. But Congressmen who object to the special powers of the Governors do not seem to object to the King's power of veto. This appears somewhat strange.

I hold that the existence of special powers of interference are necessary in every constitution and more so in the constitution of a popular government, and there is no constitution where there is no power of interference in the actions of the Ministry.

The tyranny of majority may often be an idle phrase. But it can become a cruel fact any time and especially so under a parliamentary system of government. Unless therefore there is reserve power of

restraining the majority, there may be no safety and security for a minority—I do not mean a communal minority, but a political minority. If the veto power of the King is necessary in England and is accepted as the essential part of the English Constitution, there cannot be much substance in the objection raised by the Congressmen to the special powers of Governors unless the existence of the special powers of Governors is likely to make the working of the Provincial Constitution fundamentally different from the working of the parliamentary system. But I have no hesitation in saying that, as I view the situation, the Indian system in the main will work in much the same way as a parliamentary system, notwithstanding the fact that our Provincial Constitution is subject to the special powers of the Governor.

The only difference that the existence of the special powers makes in the length to which the Governor can go by reason of his special powers is this: Under the English Constitution when the King disagrees with the Ministers and dissolves Parliament and finds that the electorate has returned a majority opposed to his view, then, to use the language of Macaulay, he must submit, fight or abdicate. The Governor with his special powers can go one step further and only one, namely, act according to his individual judgment even if an adverse verdict is given by the electorate after the dissolution.

But the question is this. Will the Governor go to this length? I do not think he will. Such a step will mean the suspension of the Constitution and what is worse, it will make the Governor the centre of political controversy. This is not the position which any sensible Governor would like to create for himself. In my view, therefore, although legally there is a difference between the King's veto and the Governor's special powers, in practice there will be no difference and the Provincial Constitution will work in very much the same way as the English Constitution does.

There is, therefore, nothing in the nature of the special powers to make it necessary for Congress to ask for an assurance because there is very little danger of these powers being exercised in a manner different from the manner in which the King exercises his veto power.

The other grounds urged by Congressmen for asking for an undertaking from the Governor appear to me to be quite insubstantial, if not grotesque. Nobody, I am sure, would be convinced by the reason given by Mr. Rajagopalachari that to undertake responsibility without such previous assurance and to depend on our breaking off as and when occasion arose would not have been either wise or proper. If the ways of the English Ministry can be taken as a standard by which to judge the acts of Indian Ministers, there is surely nothing unwise or improper in the Ministry taking office and later on breaking off because their advice

has been rejected by the King, or because they have lost their majority. Surely what is good conduct for English Ministries could certainly not have been deemed bad conduct in Indian Ministries if they go out on a proper cause.

Mr. Rajagopalachari has also said that it would be impossible for Congress Ministers to undertake the governance of the province on account of the antagonism through which they have passed unless a previous assurance had been given. The reason appears to me to be very fantastic. The antagonism between Queen Victoria and Mr. Gladstone is well known to students of English political life. The antagonism continued all throughout the political career of Mr. Gladstone. The Queen not only was unsympathetic to him but was positively hostile. So much so that Mr. Gladstone compared himself to a mule which carried the load for 52 years, but got no thanks from its master. Yet Mr. Gladstone never made any stipulations with Queen Victoria or asked for any assurance from her of support in his policy before taking office as a Liberal Prime Minister.

Mr. Gandhi has given quite a different reason for demanding the assurance. The ground is so insubstantial that one wonders whether it could have been urged by any one who knows how constitutions are worked. He says: "A strong party with a decisive backing of the electorate could not agree to put itself in the precarious position of being all the time in dread of interference at the will of the Governor.... A self-respecting Minister, conscious of his absolute majority at his back, cannot but demand the assurance of non-interference." One would have thought that a ministry conscious of its electoral strength, instead of cringing for an assurance would enter the field and defy the Governor. Surely if an undertaking is necessary at all it is for a weak Ministry which has no electoral strength behind it to ask for it. An undertaking is unnecessary for a strong party like the Congress. It can always insist upon its wishes being carried out. Indeed, if the veto power of the King has fallen into disuse it is because the Ministry by reason of its majority made it impossible for the King to use it. The same opportunity and power the Congress has possessed. Why are Congressmen begging for an assurance from the Governor of good behaviour?

The whole situation is full of tragedy. The sooner the Congress people see what is sense and what is nonsense and learn the elementary lesson of politics that to have a majority is a more powerful weapon to curb the Governor in any wanton exercise of his special responsibilities than to beg for an assurance the better for themselves and for the rest.

181

*Linlithgow to Zetland on Tegart's Note on Problem of Detenus in Bengal
(Extract)**L/PO/46/B(1)**9 April 1937*

3. Stewart, before I left England, showed me an extremely interesting note by Tegart¹ on the problem of detenus in Bengal, and during the course of last summer he was good enough on a request from me to ask Tegart to let me have an amplified version of that note. This in due course I communicated to Anderson. I had hoped to discuss the subject matter with him during our visit to Calcutta at Christmas, but pressure was so great and there were so many other matters for disposal that I had no opportunity of doing so. But you will, I think, be interested to see a letter which I have now received from him and in which he sets out his views². (I do not think that his appreciation of the case has suffered in any material respect from the absence of the original note). I confess that I myself, in the light of such knowledge as I have of this particular problem, find his exposition wholly convincing. But I should much welcome any views that you may care to express about it.

¹ See Appendix IV

² See No. 137

182

*Linlithgow to Zetland on Media-Projected Plea for Linlithgow-Gandhi
Interview (Extract)**Zetland Papers**9 April 1937*

.... I shall not be able, before closing this letter, to study your speech in the Lords and the course of the debate, but I must again tell you how grateful I am for the unwavering support you have given me on the constitution issue. Out here, there have been a good deal of constitutional thinking, and a certain amount of wobbling as well. Both the

Statesman and the *Times of India* and with the *Pioneer* a good third have joined the chorus that daily sings the praise of Linlithgow-Gandhi interview. I do not know what I could say to the little man if he turned up in this room. Any "formula" (how they love the word!) that I could agree upon with him as to my own and the Governors' use of their special powers must necessarily be either illegal or dishonest! If we mean to change the law, let us amend the Act. I do not suppose the public opinion or Parliament at home would agree to abrogate the safeguards. I am myself entirely satisfied that the Act as it stands goes as far as it is safe or wise in India's own interest to go. If Gandhi extracted from me anything that could be twisted to look like a vindication of the A.I.C.C.'s demand to Governors, that they would undertake not to use their powers under the Act, the prestige of the Congress would, I am convinced, be raised to a most dangerous level. In this connection, I am a little disturbed to hear from more than one Muslim visitor that there is evident, here and there, a tendency on the part of the Muhammadans to drift towards Congress. I do not as a rule pay much attention to the affirmations by Muslims of the doctrine of indispensability, i.e. their own! But I can see that at present and in this matter of which I am writing, some of them are genuinely apprehensive. I am quite unable for the present to measure the significance and gauge the extent of these tendencies; but this thing must be closely watched. Meantime, the minority ministries, must as one may regret the necessity for their instalment, have encouraged the Muslims by giving them the Chief Minister's post in the United Provinces and in Bihar, while in Bombay they had a first refusal of Congress's leanings. This is another reason why I am loathe to appear to be anxious to parley with the Mahatma at this moment. I recognise that if Congress is prepared to say that they will take office under the constitution, we can hardly avoid summoning the Legislatures and submitting the minority ministries to the axe; but short of that, I do not want, if I can avoid it, to discourage these good chaps who come forward to take office in most uninviting circumstances, or to damp down their growing readiness to have to go with constructive policies....

183

Lothian's Letter to the Times Refuting Gandhi's Statement

9 April 1937

The statement¹ seems to be based on a complete misunderstanding of the way in which the system of responsible government works in practice and of paragraph 7 and 8 of the Instrument of Instructions to Governors.

Responsible government has been the method by which the Canadian and Australian Federation and South Africa and New Zealand each have attained full national self-government by constitutional means, often in the early days against the opposition both of Governors and the British Government. In every case the Governor or Governor-General was endowed with veto powers and other responsibilities of his own.

I venture to assert that in no case has a Ministry possessed of a majority in the Legislature asked, and that it certainly never received, any assurance that the Governor would not use his special powers. Yet these powers and responsibilities in the hands of Governors have not prevented steady advance to full self-government.

That is because the issue turns not so much on the legal power as on the responsibility—that responsibility, Mr. Gandhi once told me himself, was India's first need to exercise.

I do not think, therefore, that Mr. Gandhi had hitherto any legitimate ground for saying that the British Government flouted the majority or failed to give effect to the principle of provincial autonomy.

Governors simply acted in the manner always contemplated at the Round Table Conference and repeatedly proclaimed by Ministers as being the ordinary practice under the system of responsible Government.

I am sure that British public opinion hopes and expects that majorities returned by the new electorate will take over responsibility under the Constitution for the Government of their Provinces. If Congress leaders take the course ordinarily adopted under responsible government and, without asking for assurances, accept office, formulate their practical proposals of reform, pass them into law and advise the Governor that they will find themselves endowed with both power and responsibility for the Government of their Provinces, I am sure Mr. Gandhi will find

¹ The Indian Annual Register, Vol. 1, 1937

² See No. 146

by following this step that he will have taken a tremendous step towards that transference of power from the bureaucracy to the largest and fullest democracy known in the world which he hopes to bring about.

184

Lothian to Gandhi: An Appeal to Congress to Take Over Responsibility Without Asking for an Assurance

Lothian Papers

9 April 1937

Confidential

DEAR MR. GANDHI,

I venture to send you a copy of a letter which I sent to "The Times"¹ dealing with the statement you issued as to the reasons which led you to ask for an assurance from the Governors that they would not use their special powers before Congress accepted office in the Provinces. May I add just one personal word. I think I understand the suspicions which Congress feels, after all these years of civil disobedience, as to the intentions of the representatives of Great Britain in administering the Act. That is why personally I do not believe that the problem can be solved by any new set of assurances or pledges because such assurances and pledges almost invariably lead to fresh misunderstandings. The very essence of the system of responsible government is that it does not depend upon pledges. Once a Ministry with a majority in a Legislature elected by a large electorate assumes responsibility for government, the fundamental lever of power passes from the hands of the Governor and the bureaucracy. There are, no doubt, periods of strain and crisis. But in the end the popular will invariably prevails unless the constitution itself is suspended. It does so for the reason that once a responsible Ministry is in office with the support of a large electorate and the press and presents its decisions to the Governor for signature as representing the will of the people for which they are prepared to take responsibility, it is almost impossible for the Governors to refuse to act on its advice. They will reason with their Ministers. Their experience and still more the experience of the civil service may be a valuable corrective to electoral enthusiasm and ministerial inexperience of the practical problems of government. But in the end, once the Ministry has reached its final

¹ See No. 183

decision, that decision prevails, for the reason that if the Governor rejects the advice, provided it is constitutional, he is in the impossible position of having to take the government into his own hands, against the declared will of the electorate, without support in the legislature, against the press and with the certainty that a general election will go against him. That is why the system of responsible government, once the majority take responsibility, has always led to full self-government by the "natural, orderly and peaceful" process which you advocate.

The essential point was admitted by Zetland yesterday in the House of Lords. After describing a hypothetical case in which action by a Ministry in regard to one of the minorities might require the Governor to act under his special responsibilities, Zetland went on to say that in such a case "a Governor would be bound to exercise his individual judgment as to the action to be taken. It does not follow that because he was exercising his individual judgment he would differ from the advice tendered to him by his Ministers. He might or he might not." That, of course, is the central point, because it means, as you will recognise, that even when he has the right to interfere, he has got to use his discretion as to whether he is more likely to promote sane law and order, or the protection of minorities by acting on the advice tendered to him or by provoking a constitutional crisis, which so long as the policy of the Ministry has the support of the electorate, there is no way of resolving.

The system of responsible government is the classic way of bringing about that transfer of power from the bureaucracy or alien government to the representatives of democracy. It is the only system by which this transfer has ever been done without violence. It is in its very nature non-violent revolution. That is why I venture to hope that Congress will not attempt to make conditions before taking office, but will assume office, pass its programme into law and, if necessary, challenge the Governor to interfere with their execution of it. It is the only satisfactory way of dealing with the problem and makes pledges and undertakings on both sides unnecessary. Such pledges and undertakings are always unsatisfactory and usually lead to worse misunderstandings in the future. And this system will give majorities at the centre also far more power than you probably now realise. In the end, if the majorities play their cards well, it will enable them to deal with everything, army, the revision of the Constitution and finance, though this will take both time and wisdom.

If you have any doubts about the correctness of my interpretation, why not consult Sapru, one of the few people who does really understand how the system of responsible government works. It was because the system of responsibility was introduced not only in the Provinces but at the Centre that he and the other Liberals in India and Reading and other Liberals in England were willing to give their support

to the rest of the Constitution. We did so because we knew that, however safeguards might be multiplied, the transfer of responsibility to elected majorities, did in practice transfer the central lever of power to the hands of the Legislatures, and would lead inevitably to full self-government, though necessarily in India, by gradual degrees, especially when it came to dealing with such problems as the army and the Princes.

As I think you know my central desire is that the Indian people should take over responsibility for their own government as rapidly as practicable. There is no other way of building up an Indian nation or avoiding serious trouble. I do not feel, as many Indians doubtless feel, that England and the officials have nothing to contribute to the cause during the transition. On the contrary once the transfer of responsibility and power has begun I think they have the contribution which experience can always give to those newly assuming the responsibility for government. But the process cannot begin until Congress takes power and responsibility into its own hands in the Provinces. Once that vital step is taken the wide face of India will begin to change for the better.

Yours sincerely,
LOTHIAN

185

Lothian to Sapru on Special Responsibilities of the Governor

Sapru Papers

9 April 1937

MY DEAR SIR TEJ,

I am glad to see it reported in the Indian press that you have written a very convincing letter about the Gandhi statement, more or less on the same lines as a letter I wrote to the "Times" a few days ago. Probably, like everybody else, I don't quite know what the Mahatma is driving at in his statement except that I don't think that it means a break. Zetland's speech yesterday was, I thought, unnecessarily correct and stiff, but he said one vital thing, the significance of which you at any rate will notice. After describing a hypothetical case in which action by a ministry in regard to one of the minorities might require the Governor to act under his special responsibilities, Zetland went on to say that in such a case "a

Governor would be bound to exercise his individual judgment as to the action to be taken. It does not follow that because he was exercising his individual judgment he would differ from the advice tendered to him by his ministers. He might or he might not". That, of course, is the central point, because it means, as you will recognise, that even when he has the right to interfere, he has got to use his discretion as to whether he is more likely to promote sane law and order or the protection of minorities, etc., by acting on the advice tendered to him or by provoking a constitutional crisis, which so long as the policy of the ministry has the support of the electorate, there is no way of resolving.

Even from their own point of view the right course for Congress to adopt is to take the powers and responsibilities which are theirs under the Act, and if necessary, challenge the Governor to exercise his special responsibilities by vetoing their policy. So long as the ministry has the support of public opinion, it will get its way. Directly it loses it, the powers of the Governor will become effective, and it is certainly in the interests of India, as in other countries, that in that event there should be a residuary power to prevent the party temporarily in office from doing things which are both disastrous and have no longer got the support of public opinion.

I don't feel at all disturbed about the situation, because I cannot think that it will be possible for a united Congress to start civil disobedience again, rather than take the constitutional course which the Liberals recommend. But an enormous amount depends upon public opinion in India getting a clearer grasp of the way in which the system of responsible government works, and there is no one who can help them to do that better than yourself. We are to-day, I think, exactly at the point which was foreseen at the first Round Table Conference, when you made it clear that your support of any constitution depended on the introduction of the principle of responsible government at the centre, and when the Liberal delegation, headed by Reading, who in this matter, I thought, showed great courage, threw in our support behind your view. The problem of government in India is difficult enough in all conscience, but we were agreed that the system of responsible government was the one hope for progress on constitutional lines, but that principle must be applied both at the centre as well as in the provinces. When a majority of Congress see this, the most difficult point in Indian constitutional history will have been passed.

Yours sincerely,
LOTHIAN

P.S. I hear you are coming here next month. I shall much look forward to seeing you.

186

Linlithgow to Brabourne for Publicity and Propaganda Against the Congress

Brabourne Papers

10 April 1937

MY DEAR BRABOURNE,

Recent developments have led me to review the problem of publicity and propaganda which is one to which in the present emergency particularly I attach the utmost importance. I am well aware that this is an issue which will already be present to you, and in regard to which you will no doubt already have under consideration suitable arrangements. But the proper and adequate presentation of the case of Government and the Governor in circumstances which we can easily envisage may be of such essential significance in terms of the situation not only in a particular Province, but in the adjoining areas, that you will I am sure forgive me if I discuss the position as I see it in some little detail and ask for your advice and your co-operation on the lines which I have tentatively sketched out below.¹

It goes without saying, of course, that in normal times a distinction must be drawn between propaganda for which the permanent machinery of Government can justifiably be used, and propaganda in matters of party politics for which Ministers must depend upon the publicity agencies of their own parties. I fully recognise, too, that it is not always easy to draw the dividing line between the two, for, in matters of administration, a certain amount of propaganda must be carried out by technical departments, and departmental propaganda does often amount to propaganda in favour of the Government of the day with whose credit is bound up the success of the policies advertised. The broad distinction is, however, I think quite clear, and a Governor, situated outside and above the ministry of the day and party politics, and playing at the most an advisory part in propaganda policy, will be mainly concerned to see that this distinction is observed. He can afford to stand aside and leave to his Ministers the justification of their policy to the public.

Times are not however normal. The elections have shown conclusively the overwhelming effect of propaganda in the villages. The political consciousness of a generally backward electorate has been stirred, and their hopes raised by promises of a golden age. Congress alone carried out a widespread propaganda campaign, and Congress have now refused

¹ Similar letters were sent to other Governors also.

to implement their promises by accepting office. In such circumstances publicity equally widespread is necessary to enable the electorate to appreciate the real significance of the situation. It is clear therefore that propaganda policy, which for ordinary circumstances I have outlined at the beginning of this letter, requires urgent reconsideration.

I am fully alive to the dangers of allowing the permanent machinery of Government to be used for propaganda purposes in the political field. They are indeed obvious, and any overt action by the Governor in times of crisis will clearly make it the more difficult for him in future to recover his non-party position. Occasions however arise from time to time in democratically governed countries when widespread propaganda by the Government of the day is justifiable upon the ground of public interest. Thus in 1926 at the time of the general strike in England His Majesty's Government undertook propaganda of every kind, and the Prime Minister spoke to the nation over the wireless which no one else was permitted to do. On such occasions, when the constitution is itself threatened and law and order is in jeopardy, the assumption is that no party in the State, and no loyal citizen, could reasonably take exception to such action by Government. To the extent therefore that the Congress, by their refusal to accept office under the constitution, have placed themselves in opposition to the constitution, they have forfeited the right to claim that the Government of the day in its official capacity must not take sides against them. This is the ultimate justification for any steps which the Governor may now have to take in regard to publicity.

During the first stage, when the Governor is dealing with a minority ministry, it may, as I see it, be difficult to avoid a certain amount of propaganda through the permanent machinery and at the cost of Government. Minority parties probably have little propaganda organisation and it will take time for such organisations to be created, but every encouragement should be given for their formation. We may be sure that Congress in Provinces governed by minority ministries will not scruple to damage Government in every possible way, and in the circumstances in which minority ministries have been created their performance must, to some extent, affect for the time being the prestige of the Governor and of established Government as such. Generally speaking however during this period the Governor will, I conceive, still normally rely on his ministers for the exposition of policy and for familiarising all classes of the population with the problems in issue. It may however be necessary for him to supplement the efforts of his ministers, and I think that there may well arise circumstances during the life of a minority ministry when the Governor would be well advised himself and over his own name, to issue statements to the public. It may

be necessary also for him to require that special steps shall be undertaken to ensure that the political situation is clearly and fully understood by all sections of the population. Such exposition must be dispassionate and objective, but the obligation to undertake it is in my view clear—as clear indeed as would be the obligation on a Governor to take steps to counter frankly revolutionary propaganda, were his ministers for any reason to be supine in their attitude towards it. A Governor, in other words, in his capacity as the executive head of the provincial administration charged with certain specific responsibilities, is in my judgment entitled, when faced by circumstances which appear to necessitate this, himself to initiate or authorise action in regard to publicity which he would normally prefer to avoid, and to take such action without prejudice to his extra party position, or to the general principle that it would be inappropriate for a Governor to initiate or authorise a publicity campaign if his ministry were based on a majority in the Legislature.

It goes without saying however, that during the phase of minority ministries it will be desirable, up to the limit imposed by considerations of public security, to be cautious how we use the permanent machinery of Government for anti-Congress propaganda. It must continue to be our policy and object to get Congress into office wherever they have a majority, and anti-Congress propaganda will inevitably embitter the situation, and incidentally provide Congress, when they do take office, with a thoroughly bad example which they would be quick to follow.

A different phase will, however, open whenever the Governor takes power under section 93 of the Act. I am quite sure that it will then be necessary for the Governor, whatever the political disadvantages may be, to carry out throughout the Province vigorous propaganda designed to make plain to every section of the community the facts of the situation, and to counter the dangerous effects of subversive propaganda from the revolutionary side. If you agree with what I have said, you will I think also agree that the sooner we consider and elaborate schemes for issuing propaganda, should propaganda become necessary, the better, and it is for this reason that I write to ask you to consider the requirements in the light of the immediate emergency.

The technique of propaganda may well vary from Province to Province, and the best method of propaganda in your Province is a matter which you are best able to judge. I have already suggested the desirability in certain circumstances of the Governor issuing personal statements to the public, and it will probably not be difficult to secure wide publicity in the Press for such statements and for speeches made by the Governor or by ministers in minority ministries. Congress papers could not as a rule afford to omit such important news material and, even if they published it only to criticise, publicity to that extent would

still be secured. In order to secure the maximum of press publicity for this or any other class of material a strong provincial publicity organisation is in my opinion essential and I have little doubt that a minority ministry, realising its own deficiencies in this respect, would be ready to co-operate in getting up such an organisation where it does not exist or in strengthening the existing Press Bureau.

The vital thing, however, is to get the facts down to the man in the field, and press propaganda alone is unlikely to secure this. Various methods of achieving this have occurred to me, such as the distributing among the villages of vernacular leaflets, couched in simple terms, the posting of notices in public buildings and proclamation in the villages by beat of drum. But, however, desirable it may be as a general rule that Government servants should avoid public criticism of the action of particular political parties, I believe that, in the last resort, nothing will achieve our object short of the reading in the vernacular of proclamations or bulletins by officers of Government in the villages. Whether by talking to visitors who come to see them or by themselves visiting the villages they can do most to inform the population as a whole of the facts. I feel, too, the strong desirability of relating this to the attempts to stimulate District Officers to do more touring, and in this connection I am impressed by the importance of initiating a service of information for the benefit of officers of Government whose contact with the people affords an opportunity of saying the word in season that may serve to correct perspective and steady opinion. By a "service of information" I mean the issue of a short weekly bulletin or the like, for I do not think that a mere perusal of the newspapers would be sufficient to inform officers of the true inwardness of events, or how they may best make use of their contacts with local leaders and members of the general public.

I have written to you at length because of the extreme importance which I attach to this matter upon which I shall be glad to have your views in as much detail as you may find practicable. It seems to me that in the circumstances of today, which include the political reactions of a large rural electorate whose hopes have been raised by lavish promises of better times, we are dealing with a situation which in some respects is novel in India. I am sure that I can rely on you to give the matter your earnest consideration and to let me know your view as soon as practicable, for we both I think agree as to the essential necessity, if we are forced by circumstance, to be as fully prepared and as far in advance, as possible.

Yours sincerely,
LINLITHGOW

187

*Gandhi's Reply to Lothian's Appeal**The Hindustan Times, 11 April 1937*

I have read Lord Lothian's appeal¹ to me with the respect it deserves. I have a vivid recollection of the talks with him among other friends. The provincial autonomy then pictured was a real stuff unlike what the present Constitution is supposed to give. Lord Zetland's elaborate statement² confirms my view and hardens the universal suspicion of the British statesmen's intentions. So long as they wish to bolster up imperialistic designs, India, which the Congress represents, will never reconcile itself to them. I believe in friendship with Britain, not with imperialistic exploitation.

I am free to confess ignorance of the Government of India Act and a greater ignorance of the Select Committee's Report. My advice to the Congress to adopt my resolution on a conditional acceptance of office was based on an assurance of lawyers among Congressmen that the Governors could give the required assurance without an infringement of the Act. I do not, therefore, need even Sir Samuel Hoarê's past declarations to support me. If, therefore, he disclaims having ever made the statement which I ever having heard him make, I accept his disclaimer without argument. The dismal fact stares India in the face that British statesmen imposed an Act on India against her declared wishes and then instead of leaving its interpretations to impartial tribunals impose their own upon her and call this transaction autonomy. Lawyers, Mussalman, Parsi and Hindu, whom the Government have hitherto honoured with their patronage, declared that the Governors can without an infringement give the required assurance. I regard the British statesmen's interpretation as non-judicial, arbitrary and interested.

At the same time I recognize that other lawyers give an interpretation favourable to the British Government. Therefore I invite them to appoint an arbitration tribunal of three judges of whom one will be appointed by the Congress, another by the British Government with power to the two to appoint a third to decide whether it is competent for the Governors to give the required assurance described by me. And since the legality of the present Ministries has been questioned, I would refer that question also to the proposed tribunal. There is precedent for such a course. If they would accept my proposal I would advise the Congress to do likewise.

¹ See No. 183 and 184

² See No. 178.

I mean every word of my previous statement.³ I want right to prevail. There is here no question of diplomacy with India. It is a question of life and death. Office will be accepted if only progress towards her goal is accepted, not otherwise. It, therefore, pains me to find Lord Zetland playing upon the old familiar tune of divide and rule. The Congress cannot exist for two days if it disregards the interests of minorities. It cannot bring about mass rule by dividing India into factions. The Congress Ministries, if they ever come into existence, will dig their own graves without the Governors' safeguards the moment they trample upon the rights of the minorities or resort to injustice otherwise. I regret to have to say it but, to be true, I must say that Lord Zetland's speech is that of one who is conscious of his sword rather than of his right. His Lordship is again misleading when he says that the Congress wants to be treated as a privileged body. It does not. Anyone representing a most decisive majority like the Congress would want the gentlemanly assurance that the Congress has asked for.

³ See No. 146

188

Sapru to Iswar Datt on Constitutional Invalidity of Congress Demand for Assurance

Sapru Papers

11 April 1937

MY DEAR MR. ISWAR DATT,

I am very grateful to you for your letter of the 7th of April¹ and for the telegram that I have received last night in which you say that Sir Sivaswamy agrees with my interpretation of the legal position. I have had no doubt whatsoever on the legal and constitutional aspect of the question. My own belief is that the Crown Law Officers must have been consulted before such a decision was taken. I cannot for the life of me see how any such assurances, as were demanded by the Congress, could be given. Of course, every Governor would say that he would cooperate with the Ministers within the sphere of the latter's work, but when he is asked whether he is prepared to give an undertaking that he will not use power (a), or power (b), or power (c), which has been given to him under the statute, his only answer can be in the negative. It is

¹ Not printed.

unfortunate that the expression 'interim ministries' should have been used. There is no such thing known to law as an 'interim ministry' and in spite of what some of the distinguished lawyers have been saying, I maintain that a minority Government is legally and constitutionally unexceptionable, though on political grounds it may be ineffective or undesirable to have it. One need not go back further than Ramsay MacDonald's minority government. His government lived from day to day and from week to week. A minority Government may or may not have undertakings from other parties. It must take its own risks. In any case the Instrument of Instructions, as it stands, puts the matter beyond doubt. The trouble is that we are mixing up the law as it is with the law as it should be. On the political side, however, I feel strongly that the Congress should be in the seat of power. If constitutional difficulties arise they must be faced constitutionally. That is the case with all constitutions and is peculiar in a large measure to this constitution. I am afraid the situation is ominous, if not worse and I cannot but think that Lord Zetland should have been less stiff at the end of his speech, though I do not think that the Congress would now accept anything less than at its own terms; still my point is that he should not have banged the door like this. His reply has perhaps been affected by the fireeating utterances and statements of certain Congress leaders.

I am being attacked, but that is nothing new. My hide is pretty tough by now. All kinds of motives are being attributed to me. The gravamen of my offence is that I should have butted in at the psychological moment and though in private some of them have told me and my friends that my legal and constitutional view is right, they think that I should not have spoken out. That is a form of tyranny to which I cannot yield.

I am leaving Allahabad for Bombay on the 22nd of April and shall actually sail on the 24th and shall return here some time in July.

Mr. Banerji has not seen me for the last two weeks. I do not know what arrangements you have in view for the carrying on of the *Twenty Century*.

I do hope your daily paper may survive. I have been much interested to read your articles in your daily and I think you have done extremely well over this paper.

Please treat this letter as strictly meant for yourself and not for publication in any shape or form.

With kind regards,

Yours sincerely,
T.B. SAPRU

189

*M.N. Roy on Congress Goals¹**Independent India, 11 April 1937*

I am not one of those who are depressed by the result of the AICC meeting at Delhi. It was not unexpected. Ever since the Lucknow Congress, it was evident that victory at the polls would lead to office acceptance. But that did not necessarily mean a drift towards constitutionalism. The Congress programme provides the guarantee against the danger of constitutionalist deviation. To wreck the Government of India Act still remains the immediate objective of all our political activity. The resolution of the AICC recommends the acceptance of office not for working the Constitution, but in pursuance of the policy of wrecking it. The Wardha resolution of the Working Committee still holds good. Acceptance of office under those conditions can only be the means for developing the anti-imperialist struggle. It may be more effective than the policy of negation. It will depend on the rank and file of the movement whether the policy of accepting offices will be an impetus to a mass struggle against imperialism. The ministers alone will not be able to dislocate the machinery of imperialist State. Left alone, they are likely to get caught in that machinery and lose broader political perspective. Nor can a few hundred Congressmen in the legislatures render the functioning of the new Constitution impossible. A constitutional deadlock which will create the atmosphere for revolutionary mass action can be created only by extra-parliamentary activities organised to enable Congress ministers to insist upon legislations implementing the Election Manifesto. The unwanted Constitution can be wrecked and will be wrecked only by concerted mass action. Organisation of the mass energy mobilised during the election campaign is the immediate task before us and the AICC resolution does in no way preclude us from accomplishing it.

On the contrary, the resolution authorises us to initiate such action. Concretely, we should hold meetings throughout the country demanding such legislative measures as will redress the daily grievances of the workers and peasants and other oppressed sections of the population. No substantial improvement in the condition of the masses can take place without encroaching upon the interests of imperialism. Therefore, the Governors will never permit the introduction of measures necessary for implementing the Congress Election Manifesto. But whether in office or in opposition, Congressmen are bound by the promises made

¹ A speech delivered by M.N. Roy at a mass meeting held at Kanpur on 25 March 1937.

in that document. The poorer sections of the electorate have voted for Congress candidates with the expectation that they will work for their welfare. They will expect Congress Ministers to do something for them. Failure to satisfy the expectation of the masses will weaken the position of the Congress. Therefore, office should be utilised for carrying on such a policy as will inevitably lead to a constitutional deadlock. The Governors will obstruct or veto legislations required for promoting the welfare of the people. Congress Ministers who desire to work for the welfare of the people will have to resign when it will be clear that they are not able to fulfil the promises made to the electorate. Then will follow dissolution of the legislature and new elections, which will present us with an opportunity of conducting mass agitation and organising mass energy in the struggle against imperialism. By their own experience the masses of the people will realise that the redress of their daily grievances is connected with the problem of political independence. They will see that the Congress really wants to secure their welfare but as long as the country remains under foreign rule, it has not the power to carry out its programme. The task of capturing political power will be placed before the masses. There is no doubt that, in a new election, the candidates will be returned in a still greater majority. Administration of the country according to a constitution that has been framed without the consent of the people will become impossible. In that political crisis, the election of the Constituent Assembly will become a matter of practical politics. In course of the mass agitation conducted for enforcing concrete demands of the workers, peasants and oppressed middle classes, the Congress will become a network of local committees elected democratically. The condition for the election of the Constituent Assembly to assert the right of self-determination will be created.

190

Zetland to Linlithgow on Adopting a Hardline Approach Towards Congress (Extract)

Zetland Papers

12 April 1937

The note,¹ of Sir J. Ewart on the intelligence reports and the intelligence reports themselves are very significant; for they give an indication of the risk of demoralisation in the services if we give any

¹ Not printed

ground for suspicion that we are prepared to toy with the idea of compromising on the question of safeguards. We had sufficiently bitter experience of the nature of this risk in Bengal five or six years ago when we found ourselves on the very brink of a bottomless abyss. For this reason I thought it essential at this stage to make clear beyond any possibility of doubt, that on this matter there can be no compromise. For this reason, no doubt, my speech met with greater approval in Conservative than in Liberal circles, though I am bound to say that Snell's criticism of it was mild and Lothian, though he expressed a desire for a gesture of friendship on the part of Government, by which he means an offer by you to make contact with Gandhi, did not press for it immediately. I realise, of course, that what I said will produce an outbreak of vituperation on the part of Congress, but that seems to me to be inevitable in any case and I am happy to know that you yourself feel thankful that, as you say in your letter of March 30th,² "we have been so consistent in our refusal to enter into any agreement or to make any concession to Congress in the hope that by doing so we should get them to modify their attitude."

I hope that I have not in any way embarrassed you by what I said as to your probable willingness to see Gandhi or anyone else if they give any indication of a wish to talk. I do not think that there is the least likelihood of anyone connected with the inner caucus of Congress taking this line; but it is curious how many people seem to think that all that is required to solve all the difficulties of the situation is a talk between you and Gandhi, and it is therefore, worthwhile perhaps to examine the situation from the point of view of those who are of this way of thinking. In the very statement in which Gandhi on March 30th declared that he could not understand why the Governors could not give the assurance asked for, he also said that he wished to bring the Constitution absolutely to an end. Nehru has said the same thing with emphasis on many occasions and Congressmen all over the country have said ditto to Nehru and Gandhi. I am satisfied in my own mind that in the case of a number of those who have said this, it has been a parrot like repetition of a political slogan uttered thoughtlessly and in some cases either without conviction or even with considerable mental reservation. But it seems to be equally clear that Nehru, Gandhi, and the majority, probably, of the central caucus means quite definitely what they say and that they are bent upon bringing about conditions which will make orderly progress along constitutional lines impossible. If this is so, where lies the basis for discussion between them and you? I wish that all these well-meaning souls who wander about with their heads in the clouds and who ask why

² See No. 147

you do not send for Gandhi would tell us that! I can only picture the conversation as proceeding on these lines:

His Excellency: I am so sorry Mr. Gandhi that you and your friends are unwilling to take office, is there anything that I can do to smooth the way for you?

Mr. Gandhi: Your Excellency, we have made our terms clear, on these terms and on no other can we consent to accept office (Nehru has, I gather, in fact already said this in a statement of the Press).

His Excellency: I am very sorry, Mr. Gandhi, but I am bound by the terms of the Constitution and it is not constitutionally possible for me to agree to your terms.

Mr. Gandhi: In these circumstances, Your Excellency, I have nothing more to say.

At this point Lord Snell, if privileged to be present at the interview would no doubt exclaim that this "stiff correctitude" was most unfortunate, but what should we like to know is what would Lord Snell do next?

I, like you, am not enthusiastic about the situation with which we are now faced, and we have certainly some hard thinking in front of us. If the attitude of Congress is as I have depicted it, we shall have to win over to constitutional ways those members of Congress who in their heart of hearts are willing to work the Act. How best can this be done? (1) Can they be persuaded to free themselves from the tyranny of the Congress machine; (2) If so, should we direct our efforts towards an attempt to bring it about; and (3) If so, can we do this without serious risk of driving the right wing back into the arms of Nehru and Gandhi by maintaining a rigid and outspoken attitude on the letter of the constitution? This last question really boils down, I think, to asking ourselves whether having now made our view of the constitutional position quite clear we should keep quiet and await events?

I should hope, of course, that the Governors would make it understood that they are at all times accessible and that they should lose no opportunity of maintaining touch with leading Congressmen in the Provinces. I shall be immensely interested to have your views on these various points and the situation generally....

191

*Khare to CP Governor on Convening of the Legislative Assembly
and Election of Speaker*

Linlithgow Papers

13 April 1937

I as Leader of the majority party in the new Provincial Legislative Assembly hereby desire to bring to His Excellency's notice that under Section 65 of the Government of India Act (1935) it is the duty of the said Assembly to choose, as soon as may be, two members to be respectively Speaker and Deputy Speaker thereof. The Act does not contain any provision as to who should convene the meeting of the Assembly for the said purpose. I presume that in consonance with the parliamentary traditions—which are generally not observed by the British Government in this country—the Sovereign or His representative should call the meeting, although it is not specifically laid down anywhere in the Act. But as no steps have been taken till now in that behalf, I have to enquire if His Excellency the Governor is going to convene a meeting for that purpose and if so when: I may further inform you that if such a meeting is not called I as Leader of the majority party would like to convene a meeting of the Legislative Assembly for that purpose as soon as possible. I may add that the duty laid upon the Legislative Assembly to elect the Speaker and the Deputy Speaker has yet to be performed as soon as may be after the election and the Assembly has a right to expect such a meeting in this very month.

In case I am compelled to convene a meeting, you will please secure His Excellency's permission for the use of the Assembly Hall for the said meeting. May I request you to place my letter for His Excellency's early consideration and inform me accordingly, within four days of the receipt of this letter?

192

Linlithgow to Zetland Urging not to Take Note of Gandhi's Proposal

L/PO/6/99(1)

Telegram-325-S

14 April 1937

Private and personal. Your private and personal telegram dated April 12th,¹ No. 22. I quite agree that there is no need for us to take any direct notice of Gandhi's proposal for an arbitral tribunal. Sastri, in a public statement, has made it clear that he does not think that "settlement lies this way", and my disposition is quite definitely now to lie back, to allow speculation or comment to take its course and to hold our hands and refrain from any *direct* intervention until dust dies down. As matters stand, every statement made here by Congress side is answered more or less effectively by politicians or lawyers on the other. I will bear in mind in dealing with the press the line you are adopting at home and will follow it here.

2. I, of course, quite agree with your criticism of attitude of "Statesman". Line adopted by it and by "Pioneer" has been confused and tortuous, in particular in the case of the "Statesman" "Times of India" on the other hand and more particularly "Civil and Military Gazette" have been entirely sound and programmes such as that which has [sic] now been announced in Bombay by Brabourne's ministry are best public evidence of lengths to which a ministry can go in the way of progressive programme without attracting a Governor's special responsibilities. "Times of India" has rightly emphasised this fact. But I will not lose any opportunity of removing any misapprehensions there may be.

3. Lothian's latest letter has attracted a good deal of attention and endeavours are being made to suggest that what he contemplates is that a Congress ministry when it resigns on the ground of disagreement with Governor on use of special powers should have the right to demand dissolution. This is not only, as I understand it, constitutionally unsound, but Lothian, so far as I understand it, made no such suggestion and merely took line that effective remedy open to a Government which disagreed with Governor was to resign, so leaving matter ultimately to verdict of electorate. It is however, I think, important to scotch the idea of any convention under which ministers would have the right to require dissolution in such or any other circumstances. I am doing what I can with press and you will no doubt help me so far as you can at home.

¹ See No. 190.

193*Secretary of State to Governor-General on Keith's Criticism of the Official Stand Regarding Safeguards**L/PO/6/99(1)**14 April 1937*

Cypher Telegram 1217.

"Scotsman" published on 12th April letter from Berrisdale Keith dated 1st April in which he attacks Hoare and His Majesty's Government for their failure to realise that responsible government is incompatible with executive safeguards in the form of overriding powers of the Governors, and praises Gandhi and Congress conversely for their appreciation of this fact. His letter seems to me an irrelevant contribution to present controversy, but I thought you should be warned of its existence since it will probably be telegraphed to India and made use of there. Keith expresses regret that Governors were not authorised to give much more definite pledges which might have weakened solidarity of Congress opposition and implies that without such definite pledges the frequently expressed desire of His Majesty's Government to see a wide measure of responsibility entrusted to people of India could not be fulfilled. Granted that the Act is, in his view, unwisely framed in respect of the powers which it gives the Governors, he does not attempt to show on what grounds consistently with the Act Governors could have given the undertaking sought of them. Short answer to his letter appears to me to be that he is, of course, entitled to his own views as to the extent of responsible government which ought to have been granted to India and as to the failure of the Act to meet his views in this respect: but that the decision of Parliament as embodied in the Act and Instructions having been that attempt should be made to combine responsible government with safeguarding powers in the background for use if necessary he is not entitled to imply that it was open to the Governors to do what Congress wanted.

194

Birla to Lothian on Latter's Statement on Indian Political Impasse

Lothian Papers

BENARES,
15 April 1937

DEAR LORD LOTHIAN,

I have been flooding you these days with cuttings and letters. I hope they will help you in making a true estimate of the present position in India. Your letters to the *Times* as also your speeches have been most helpful in pouring oil over troubled waters. Lord Zetland's¹ speech on the other hand has been equally unhelpful. He has not been able to get even one supporter in India, not even among the Anglo-Indian press. The feeling here is unanimous on the point that something could be done to bring about an understanding. There is also a feeling, based of course on gossips, that the Viceroy has no free hand in this matter and that Whitehall is making his position more difficult. Be that as it may, I entirely agree with you that with a little more common sense and personal contact an understanding could be brought about.

But I may also inform you that the recent events have made the things much more difficult for Gandhiji even for a personal contact. Services never liked the idea of a personal understanding and I dare say you know that Jawaharlal is equally against such a move. Lord Zetland has further strengthened his hands. Thank God, the Viceroy by observing complete silence has helped in maintaining cordial feelings between him and Gandhiji. But even then any idea of a personal contact between the Viceroy and Gandhiji should be thought of only if there was a determination that with due regard to the mutual position and also to the constitutional position, an understanding has to arrived at.

Before I left Delhi, I met Mr. Laithwaite and it appeared to me that the difficulty in official quarters was that any formula acceptable to both sides might create complications because of the wide interpretation that it might carry. I don't know whether this is a formidable objection, But such a risk will have to be taken because a formula which does not admit of being interpreted liberally will only make the matters still worse. After all the idea, as I have understood it, is to put greater responsibility and power in the hands of the elected representatives. It has been said so

¹ See No. 178

many times in the British Parliament that the present constitution contains in it the germs of automatic growth. If that be the intention, then why should one be afraid of the constitution or the formula being interpreted in a liberal spirit? Therefore unless the mind in Whitehall is made up on this point, even personal contact will hardly bear any good results. In my opinion, the pure and simple question that is agitating the mind of the right wing of the Congress is, "Would Whitehall allow through the constitution a continuous progress towards the goal, of course on constitutional lines?"

There are two formulae which I believe could be helpful in solving the position. One is your own which suggests that the ultimate decision against the abuse of power should rest with the electorates. This is an attitude which was taken up by Mr. Rajagopalachariar before you made your statement. I find that this formula is being now supported by Rajendra Prasad, a Congress leader, on the one hand and the *Statesman*, an Anglo-Indian paper, on the other hand.

There is another formula which comes out of Gandhiji's interview. He said, "Did not Sir Samuel Hoare say so many times that ordinarily the safeguards would not be used?" I find that this formula is being supported by the *Times of India*, another Anglo-Indian paper. I think these two ideas are good to work upon, but perhaps your formula will find a much stronger support in India than even Gandhiji's formula. I have no doubt that it is possible to work on one of these two formulae and find out a solution. It will be the greatest tragedy if a solution is not found. There is a strong desire in India among the Congressmen to accept responsibility and work the constitution on friendly lines and that desire would be frustrated if the stiffness introduced by Lord Zetland is maintained.

With kindest regards,

I remain,
Yours sincerely,
G.D. BIRLA

195

*Linlithgow to Erskine on the Need to Inform District Officers About the Government Stand**Erskine Papers*

THE VICEROY'S HOUSE,
NEW DELHI
16 April 1937

MY DEAR ERSKINE,

On reading again my personal and confidential letter to you of 10th April about publicity, I am not quite sure that I may not have overstressed the connection between a service of information and the use of section 93, and in case by any chance I should have done so, I venture to send you this supplementary letter.

2. Let me put my point in a slightly different way. What impresses me is the necessity for making available to officials for their own guidance and instruction (with a clear indication that the intention is that they should read and make use of it) simple and straightforward explanations of the political and constitutional position as it develops. You and I, who have had so much to do with the framing of this constitution, realise the intricacy and complexity of certain issues that arise, and one need only read the discussion which has taken place in all quarters in the press on the various aspects of the problem which has come into prominence in connection with the Congress refusal to accept office to appreciate how exceedingly easy it is even for well informed journalists with a substantial familiarity with the constitutional issues involved, to draw entirely erronecous conclusions or inferences.

3. The problem which it seems to me really important to try to meet is the problem of the ordinary official, I have in mind the official of the standing even of a District Magistrate or a Superintendent of Police (though officers of that standing are likely to be fairly well versed in the facts of the situation), but more particularly officers such as an Inspector of Police or a Subordinate Judge or a Tehsildar, surrounded by difficulties and hostile criticism, and puzzled by reading in the newspapers available to him, an unceasing stream of more or less well-presented anti-Government propaganda to which he has no authoritative corrective. If I am right (and I hope that I am not taking too pessimistic a view) in my estimate, the depressing effect of such a state of things on the morals of an officer may well be considerable and (a point of at least equal importance) an Officer who is not himself in immediate

touch with the higher officers of Government or with headquarters, and who has no material to guide him in forming or in checking his impressions, is unlikely to be able to answer, or to answer effectively, questions put to him in good faith by his subordinates or by well-disposed visitors, or to counter the tendentious arguments of the ill-disposed. Conversely it goes without saying that an officer who has, or who thinks he has, a reasonable understanding, based on material communicated to him by Government, of the true aspects of a situation, is likely on the face of it to be a very substantial rallying point in his own district or area; and in addition he serves himself as a very valuable (and to some extent unconscious) centre of pro-government publicity and propaganda. For, I conceive, the numerous callers who wait on a District Officer, or Superintendent of Police, or an Engineer, and who carry away from their conversation with him the impression first that government is facing the situation with complete confidence, and secondly, that Government has a definite plan, will in turn themselves serve a most useful purpose in their villages.

4. You are so much better able to judge, than I am of the position in rural areas, of the best method of briefing your officers, of the appropriate machinery, and of the extent to which it is wise or desirable to distribute a written statement to the lower ranks, that I put forward these suggestions with diffidence. Nor do I venture to suggest what the form a communique such as I propose should be clearly, as a rule the shorter and the more concise, and, in so far as you may see advantage in making any written statement directly available to the lower grades of official, the more simply phrased and the more easily comprehensible the better. Nor do I overlook the difficulties involved in arranging for the preparation and the distribution of material such as I suggest. But I feel little doubt that very real advantage may be expected to result from publicity arrangements in respect of officials such as I have discussed above. And I think, too, that if you agree with me as to the desirability of such publicity, you will also feel with me that it would be well to start to put it into operation now, and not merely to organise in preparation for a period in which we may be left with no alternative but to fall back on the provisions of section 93. It is, therefore I have already mentioned, because I am apprehensive of reconsidering the terms of my earlier letter that I may have unduly linked this matter with the possible operation of section 93 that I now trouble you again about it. I may add that the type of information to which I have referred above and which is designed to inform officers of Government is of course something quite apart from those several classes of propaganda designed to influence public opinion, with all of which I dealt in my earlier letter.

Yours sincerely,
LINLITHGOW

196

Gandhi's Cable on Congress Stand Sent from Wardha on 14 April 1937

The Hindustan Times 16 April 1937

I have carefully read "The Times" comment on my statement. It seems a big question when it invites the Congress to test the bonafides by taking office unconditionally. My advice to the Congress has always been that office acceptance would be a fatal blunder without a previous understanding regarding safeguards which are within the Governors' discretion. In the teeth of first-class legal opinion to the contrary I regard Lord Zetland's interpretation unacceptable. A refusal to submit his interpretation to examination by a legal tribunal will raise the strong presumption that the British Government had no intention of dealing fairly by the majority party whose advanced programme they dislike. I prefer an honourable deadlock to dishonourable daily scenes between Congressmen and Governors. For in the sense the British Government mean the working of the Act by the Congress seems impossible. It is therefore for the British Government to show the Congress by every means open within their constitution that the Congress can advance towards its goal even by taking office. I wish everyone concerned would believe me that with me there is no question whatsoever of false prestige. My function is that of a mediator between the Congress and the Government, which unlike many Congressmen, I believe to be capable of being converted under moral pressure, as it is of being coerced under physical pressure. After the above had been prepared a telegraphic summary of Lord Lothian's recent letter to "The Times" was placed in my hands. His argument is based on an assumed position to which India is an utter stranger. One sees not the slightest regard for the majority view. I regret therefore his letter calls for no alteration in my opinion as stated above.

197

*Linlithgow to Zetland on Stand Taken by Keith and Others,
on Constitutional Impasse*

L/PO/6/99(1)

16 April 1937

Telegram-332-S

Your telegram of 14th April¹, 1217. Keith letter. This has received a good deal of publicity, but is now, I think, a spent force. While the article was, at first, welcomed as further exposing alleged unreality of the Governors' position, it is now generally recognised that Keith's criticism is of the Act rather than of the use of powers or discharge of obligations placed on Governors under the Act.

2. You will have seen Gandhi's latest statement to the "Times"² which is mischievous and shows, I fear, that his attitude is hardening and that he is back in a stiffer position than since before the resolution of A.I.C.C. That we cannot help and there is nothing for it but to wait and let the situation develop. But statement indicates, in my view, that we are increasingly unlikely to reach an early decision on the issue between us and Congress.

3. There is very general failure here to realise that special responsibilities represent control and authority retained by Parliament in provincial scheme, and that, in so far as a Governor is unable to carry on government in agreement with his ministry under the terms of the Act, and is driven back on these powers, he is driven back on Parliamentary authority. There is little realisation too (and confusion on this point has been increased by comments of the "Statesman" and certain other papers) of the fact that, where an issue between the Governor and his Ministry is of primary importance, he may, in the ultimate outcome, be driven to use of Section 93, and even in the event of a dissolution followed by an election, in which for whatever reason his action in opposing proposals of a certain character advanced by his Ministers was the main issue, he would have to hold to his veto of such action, and that indeed were he not disposed to do so, the Governor-General would have to instruct him to do so. But on the whole I am disposed not to take special steps at the moment to underline this too emphatically. My

¹ See No. 193

² See No. 196

appreciation of the situation is that there is a growing realisation of the complexity and difficulty of the issue with which Congress have confronted themselves, and that it is better to let the present discussion exhaust itself. I am confirmed by the latest developments in my judgment of the wisdom of abstaining from entering the arena. Your speech gave us an admirable platform on which to stand and it contains all, I think, that is necessary at this stage. When the air is clearer we can consider whether any further formal statement on behalf of the Government, and if so of what nature, is called for.

198

Use of Military Forces in Aid of Civil Power Under the New Constitution (Extract)

Sunder Singh Majithia Papers

16 April 1937

Under the first entry in the list II of the seventh Schedule to the Government of India Act, 1935, the use of troops in aid of the Civil Power is excluded from the legislative jurisdiction and executive authority of a Province. On the other hand it is clearly desirable that Provincial Governments and their officers should be able to continue to rely to the same extent as at present on running military assistance in emergencies for the prevention or suppression of disorder. The following arrangements will accordingly be made with effect from the 1st April 1937.

2. The military authorities will issue instructions that, after the 1st April 1937, all requests for military assistance for *the prevention or suppression of disorder* which may be made by a civil or political authority to an officer in command of troops, will be complied with immediately. The Central Government has requested that this fact may be brought to the notice of the new Government as soon as it comes into existence and that it may be informed that the above arrangement will be subject to the following conditions:-

- (1) Troops will not be employed on the request of a Provincial Government or its officers for a period exceeding 10 days without obtaining the orders of the Central Government.
- (2) The full cost of employing troops in aid of the civil power for the prevention or suppression of disorder will ordinarily be met by

the Central Government, but it will be open to the Provincial Government to contribute towards that cost, if they wish to do so, in accordance with the provisions of section 150(2) of the Government of India Act, 1935.

- (3) The Central Government will retain the right to employ military forces in a province on their own initiative if they consider it necessary to do so.
- (4) The Government of the Province will accept responsibility for justifying any request that they or their officers may make for military assistance if any question as to its jurisdiction is raised by the public or in the legislature, but the responsibility for justifying the action taken by the troops after they have been called upon to intervene will, in similar circumstances, remain with the Central Government.
- (5) The Government of the Province will accept responsibility for the payment of any compensation that may become payable in respect of any damage done when troops are employed to the aid of the civil power.

It will be understood that the term Central Government wherever it is used above means that the Governor-General-in-Council during the transitional period and thereafter the Governor-General.

3. Although the understanding given at the beginning of paragraph 2 is couched in very wide terms, it is of course assumed that Provincial Governments agree that the power to requisition military assistance for the prevention or suppression of disorder without reference to the Central Government will only be exercised where, in the opinion of the authority making the requisition the situation urgently demands such assistance and there is not sufficient time to obtain the orders of the Central Government. It would equally be understood that the requisitioning authority would have discretion in the matter and his decision to the degree of urgency would not be called in question. Where there is ample time, however applications for military assistance should be made to the Central Government through the usual channels for their concurrence.

4. The Central Government has requested that it may be informed as soon as possible after the 1st of April 1937 whether the new Government of the Province accepts these conditions.

Internal security instructions. The conduct of troops could not be questioned the Assembly. Govt. of India be informed that Provincial Govt. accepts the conditions.

199

*Government of CP to Khare Declining Request for Calling the
Meeting of Legislative Assembly*

Linlithgow Papers

17 April 1937

I have laid your letters of the 13th instant¹, addressed to the Private Secretary, before His Excellency, who desires me to reply as follows:—

2. Under Section 62 (2) of the Government of India Act, 1935, *all* meetings of the Provincial Legislative Assembly have to be summoned by the Governor in his discretion. His Excellency does not intend to summon a meeting of the Central Provinces and Berar Assembly for the present, for a reason which he is confident that you will appreciate. If no meeting is held in the near future, His Excellency hopes sincerely that all parties will have time to reflect on the consequences of their own actions and to make up their minds as to what is the best and wisest course to pursue in the true interest of the Province. He is averse therefore from taking any step which might cause any party to commit itself without due reflection to a course of action which it might subsequently come to regret.

3 His Excellency notes that in the event of his refusal to call a meeting of the Assembly immediately you intend to summon a meeting of members yourself. It is open to you to adopt any course of action which you consider expedient, but His Excellency wishes me to point out that as such a meeting would not constitute a meeting of the Assembly within the meaning of the Act, the question of giving the Assembly Hall for the purpose does not arise.

¹ See No 193

200

*Erskine to Linlithgow on Inadvisability of Governors Indulging in
Anti-Congress Propaganda**Erskine Papers*

17 April 1937

[Private and Personal]

MY DEAR LINLITHGOW,

In your personal and confidential letter of April 10th¹ you have raised the general questions of propaganda to be undertaken both at the present juncture and in the event of the Governor taking power under section 93 of the Act. I am very carefully considering this latter question and will let you have my views as soon as I can. As to the immediate undertaking of propaganda by the Governor and the use of the permanent machinery of Government for the purpose, I had said in my telegram to you, No. 27 C of the 8th April, that I thought this would be regarded as a direct attack on the Congress by the Governor and the Civil Service, and that I would prefer to wait until the situation became clearer and it was evident that the Congress attitude towards taking office was not going to change and that the Home Government were going to stick to their guns. I see, however, from the second paragraph on page 2 of your letter, that, while you emphasise the need for caution, you nevertheless think this is an occasion on which the Governor would be justified in undertaking propaganda to ensure that the political situation is clearly and fully understood by all sections of the population, though at the same time you think that, so long as a Ministry is in being, propaganda should as far as possible be left to them.

I have reconsidered the position in the light of your letter and of the way in which the situation is developing here. Zetland's very strong and excellent speech makes it clear that the Home Government has no intention of trucking of the Congress as represented by Gandhi, and it is equally clear that the Congress Party in Madras is not going to break away from Gandhi's leadership for some time to come at least while, therefore, I do not yet think that the time has come for a direct attack on the Congress, still I feel that we need not be so careful as we have been hitherto of keeping up the pretence of hoping that the Congress will be persuaded to

¹ See No. 186

take office in the near future. Moreover, whereas I had hoped that the members of my present Ministry would really make an effort at doing propaganda on a wide scale on their account, I now fear that there is little chance of its proving very effective, and the Justice Party seem for the time being to have got their tails right down and to have gone practically out of business altogether. So there is in fact little or no propaganda being done on the side of Government, while Congress propaganda is going on all over the Presidency.

I am therefore now of the opinion that a statement in simple language of the true facts of the situation should be circulated in the villages, and I have had the attached document² drawn up. I do not think that it can be really called an attack on Congress, as it is simply a statement of fact. Anyhow, I am quite certain that some sort of answer to the Congress should be spread abroad or our very excellent case will be danger of going by default.

I propose to have the document circulated in all the villages in the various vernaculars by the revenue staff, and it will be issued on my authority. The Document is now being translated and this will take a little time. I do not propose to begin the actual issue until I have obtained your approval to its general terms. I would therefore be glad if, on receipt of this letter, you should telegraph me as to whether you approve the issue or not.

Yours very sincerely,
ERSKINE

² Not printed

201

Governor's First Fortnightly Report on Political Situation in NWFP (Extract)

L/PJ/5/22

17 April 1937

The first fortnight of the New Constitution has been a time of considerable excitement in the Province. But the moment of writing the internal political situation, so far as the Ministry is concerned, has—we may hope—settled down to a state of comparative quiescence for the next month or two. A Ministry was appointed on April the 1st, and a

brief session for the formal business of taking oaths and the election of a Speaker and Deputy Speaker has taken place. The session produced no issue of any great importance. Malik Khuda Bakhsh, the late leader of the Opposition, was elected Speaker unanimously. He is one of the small group of Independents, and he assured me a week or two ago that he did not propose to join the Congress Party. His election as Speaker is perhaps rather more palatable to the Congress than to the Ministerial side, but on the whole I think that it is the best appointment that could have been made. The election of the Deputy Speaker was disputed. Muhammad Sarwar, the candidate supported by the Congress Party, defeated the representative of the Ministerial Party by 29 votes to 19. This may be said to reflect the unstable position of the Ministry, but a secret ballot is a great opportunity for the display of personal animosity rather than party cohesion.

2. No legislature was include in the programme of business, but on the first morning Dr. Khan Sahib moved the adjournment of the House to discuss the 'interference of high Government official' in the formation of a Ministry. The motion was ruled out of order by the temporary Chairman on a technical point. I cannot therefore, be quite certain against whom the complaint of the Congress lay. It may have been against myself, as I have interviewed a very large number of the members of the coalition party during the last six weeks, and explained how impossible it is to form a Ministry if men agree to join a coalition one day and then begin to waver the next! On the second day three further motions were tabled by the Congress Party. The first, in the name of Dr. Khan Sahib, was a motion for want of confidence in the Ministers. The second alleged contravention of the provisions of Article VII in the Instrument of Instructions in the formation of a Ministry. The third sought discussion on the failure to protect British subjects from being kidnapped from Bannu District. The first and third motions were disallowed by the Acting Speaker as the short programme did not admit of their discussion, while I disallowed the second motion on the ground that it related a matter in which I was required to exercise my discretion.

3. Congress took the disallowance of the motion light-heartedly, and do not appear to feel any real ill-will against Government. In the many reports from the Criminal Investigation Department which have reached Government regarding Congress meeting for the last month or so, I have detected very little trace of bitterness in any of their discussions. The Congress Party, however, in obedience to instructions received from the All India Congress Committee, remained absent from the House when I delivered an address on April 15th, and they did not attend a garden party which I gave the same afternoon.

4. The present Ministry, therefore, has four or five months before the budget session to consolidate its position. It will not have too easy a task! Ever since the Ministry was formed Congress have intensified their propaganda against it. Apart from more worthy motives, Dr. Khan Sahib appears to be actuated a good deal by personal jealousy of Nawab Sir Abdul Qaiyum, the Chief Minister. Congress agents have worked on the feelings of disappointed Ministers and on personal feuds between Muslims. They have also approached a considerable number of Non-Congress Members with the proposal that Congress, though they would not themselves accept office, would support and vote with any group of seven or more who would undertake the Ministry from among their number. This would, of course, be enough to upset any rival coalition. The Ministry, therefore, cannot be too confident of its stability. Sir Abdul Qaiyum, the Chief Minister, has, for one reason or another, incurred the animosity of several of his party—probably because he put them off with vague promises that he might give them office—promise which he has been unable to fulfil. On the other hand, every man in the coalition admits, I think, in his heart of hearts, that Sir Abdul Qaiyum is the only possibility at present as Chief Minister. The Finance Minister, Rai Bahadur Mehr Chand Khanna, who was nominated unanimously by the Hindu-Sikh group of 8 Members, can probably be sure of the solidity of this group; at any rate, I do not think there is any chance of their joining Congress, though their entry into a coalition with Sir Abdul Qaiyum's Party has been the cause of a number of demonstrations organised by the Hindu-Sikh Youth Movement. The appointment of the third Minister, Khan Bahadur Sadullah Khan, has, I am afraid, roused a good deal of opposition among some of the coalition party, as they thought it unfair that both the Muhammadan Ministries should go to one District, Peshawar. Sadullah Khan however, is an Ex-Member of the Political Department, and is the only Muhammadan, apart from the chief Minister, who knows anything about departmental work.

5. The Political excitement I have referred to has, I think, affected only the main centres of population in the Province. The great mass of villages have on the whole taken no interest. Nor for the time being has Congress propaganda in the villages been intense. The general feeling in the Province is friendly, so far as I can judge from conversations with a fairly constant stream of visitors from all districts. One feature, however, which causes me a certain uneasiness is the attitude of our subordinate services. A good many of our revenue officials, Tehsildars Naib-Tehsildars and their subordinates have, if tales are true, shown an active sympathy with Congress both in the elections and since. They no doubt find themselves in a difficult position and want to insure against a

possible Congress Ministry in the future. But they seem to have taken more interest in these matters than Government servants ought to. I feel that the discipline and *esprit de corps* of all the subordinate services require stiffening, and I propose to pay especial attention to this during the next few months.

6. Apart from ministerial manoeuvres, the disturbances in Waziristan have caused a good deal of excitement in the settled districts. I need not say much about the position across the border. It is still most serious and, at the time of writing, it cannot be said that there is any immediate prospect of improvement. Gangs still roam about Waziristan, particularly North Waziristan; our communications can only be kept open by means of large numbers of troops; and raids on the settled districts are a constant menace. There has been nothing comparable to the present situation since the troubles of 1919-1922. The case of young Hindu girl from Bannu, who ran off last year with a Muslim and embraced Islam, and was then handed back to her mother by the order of the Judicial Commissioner, was the immediately exciting cause. There is, however, more than this behind it. There is the background of the Shahidganj Mosque Case in Lahore, which seriously perturbed Muslim opinion on the Frontier; there is a feeling of uneasiness among many tribes at our policy of penetration by means of roads into various parts of tribal country; there is also the fact that the element of irreconcilable bad characters in Waziristan have had a long fallow period.

202

*Baden-Powell Assents to Eliminate Bande-Mataram from
'Scouting for Boys in India'*

Brabourne Papers

25, BUCKINGHAM PALACE ROAD,
LONDON, S.W.1. 18 April 1937.

MY DEAR SIR HENRY,

I am most grateful to you for so kindly taking the trouble to write and tell me of the bloomer which has been made in "Scouting for Boys in India". I had no idea that the song "Bande Mataram" contained such sentiments, and it was inserted in the book when this was edited by the Indian Headquarters. I shall now be able to chaff them on their

knowledge of India and at the same time to arrange that the offending item shall be taken out of the next edition.

Meantime let me say again how grateful I am to you for pointing out this error.

I need not say how closely we are watching political developments in India and how heartily we wish you a happy issue out of all your afflictions.

Yours sincerely,
BADEN-POWELL

203

Jogendra Singh to Lothian: Stresses Shifting of Focus on Improving Economic Condition in India

Lothian Papers

AIRA HOLME, SIMLA, 18 April 1937

DEAR LORD LOTHIAN,

I have read with great interest your statements to clarify the constitutional situation in India. Both India and England have a reason to be grateful to you for doing this. The present is an opportunity to lead the Congress on to the constitutional ways and if this opportunity is missed it may imply stagnation for a few more years. The trouble is that while other countries have been busy in improving their economic conditions, our preoccupation has been the framing of the New Constitution.

In the meanwhile the desire for better living has been created by programmes of rural reconstruction and an awakening was inevitable on account of the elections. Unless Federation comes earlier, present Government is not in a position to give a lead to the provinces in revising their systems of taxation, assisting in liquidation of agricultural debts. Sir George Schuster was aware of the needs of India, the present Viceroy has revealed in symbols that he knows what is wanted. The present Finance Member, however, is only concerned with the balancing of his budget without developing the sources from which revenue is drawn and therefore no action to help the people to a better living has been taken.

The provinces will now try to deal with these complex problems individually but what we need is uniformity. I feel that what the

Government of India needs is, if Federation is not likely to come earlier, a new and a temporary staff at, dealing mainly with these problems under the inspiration of men who have not grown in grooves from which they cannot walk out.

I did not seek election as I feel that I needed rest, and what is more I realised that it is not easy to initiate any large developments. To my mind it is waste of time to work if you cannot do something for the poor immediately.

With kind regards,

Yours sincerely,
JOGENDRA SINGH

204

Note by J.M. Ewart on Deterioration of Administration in U.P. (Extract)

Zetland Papers

19 April 1937

[SECRET AND PERSONAL]

Discussions in Lucknow indicate that there is considerable uncertainty in Secretariat circles about the political working of the new system of Government, and that much remains to be evolved. This is inevitable, but there seems to be a lack of coordination and direct consultation between the different people concerned in working out the plans; the results seem to lead to undue improvisation and to the obscuring of vital principles. I do not think enough consideration has been given to the fact, which officials admit when it is put to them, that officers in districts, including Commissioners, will not be able to report frankly as in the past, not merely in regard to actual occurrences, but even more in regard to tendencies of which they may be conscious and which may cause them some apprehension. If general standards are to be preserved from serious deterioration, it is the close watching of the tendencies before they develop an active stage, that is almost most necessary than anything.

2. In the United Provinces all sections of public opinion, which have in the past been opposed to Congress and dependent on Government support, are badly demoralised. Competent observers have noticed that, particularly in educated circles the open expression of feelings of nationalism is very noticeable, even among people who are not particularly keen supporters of Congress.

3. Under the best of conditions it must be unusually difficult for the headquarters of the United Provinces Government to keep in real touch with what is happening in the districts, owing to the exceptional number (46) of these districts and, particularly on the police side, the lack of intermediate co-ordinating machinery (Deputy Inspector-General). I have heard it freely stated that staffing of the districts is in many cases poor in quality and that, in Oudh in particular the standard of administration has already deteriorated, particularly in consequence of the heavy blow which the election has dealt to the *Taluqdari* system and to the exposure of the really bad agrarian situation.

4. All the factors tend towards a falling off in standards in a slow and insidious way, making it very difficult for the Governor to say exactly at what moment deterioration has passed beyond the danger point. In the Police Department shortage of District Officers is partly accounted for by the fact that an unusually large number of good British Superintendents of Police have been allowed to go away on deputation to Indian States and the efficiency of the Police administration of the Province seems to be suffering in consequence. The staff of the Special Branch of the C.I.D., on which both the Government and the Governor must depend for Intelligence, is most inadequate for the work which it has to do. This has been represented to the Governor.

205

Resolutions of the Provincial Ahrar Conference on its Attitude Towards Congress and Constitution¹

The Pioneer, 20 April 1937

The Provincial Ahrar Conference concluded its deliberations late last night.

The Conference passed a number of resolutions, one regarding the attitude of the Ahrars towards the Congress and the other regarding the new constitution.

In the first resolution the Conference reiterated their objective as "Complete Independence" for the country. It further urged the Muslim masses to cooperate with the progressive forces in the country, specially with the Congress in order to check the economic exploitation of the country, and to ameliorate the conditions of the Muslim masses.

¹The Conference of the Ahrar Party was held at Lucknow on 18-19 April 1937.

A committee was formed consisting of Maulana Muhammad Ahmad Kazmi, M.L.A., Maulana Aziz Ahmed Khan M.L.A., Ghazi Hamidul Ansari, Chaudhri Afzal Haq and Maulana Ismail Zabi to recommend to the Central Ahrar Council the ways and means to be adopted by them for bringing about the desired co-operation with the Congress.

By another resolution the Conference protested against the recent utterances of Lord Zetland and other British imperialists in not accepting the Congress formula for acceptance of office and further condemned the formation of interim Ministries.

It further condemned the "dictatorial action" of the Governors in not convening the legislatures and demanded that the sessions of legislatures should either be convened soon or that they should be dissolved and the constitution suspended.

Among other resolutions passed by the Ahrar Conference were the institution of an impartial inquiry into the Panipat firing, one protesting against the present policy of Government towards the frontier tribes, and another against the pro-Jewish policy of the British Government in Palestine, demanding that the Arabs should be allowed to continue and lead a free life.

Another resolution demanded that Government should take steps to remove unemployment in its real sense.... It further demanded the protection of cottage industries against foreign competition by imposing higher import duties. It also emphasised the opening of more vocational centres. The Conference appealed to Muslims to patronise Indian made articles.

The Conference announced its full sympathy with the aspirations and difficulties of the labourers and peasants, and appealed to Government to give all possible help to the sufferers....

206

Sapru to Lothian on His Appreciation of Political Situation in India

Lothian Papers

19, ALBERT ROAD, ALLAHABAD,
19 April 1937

DEAR LORD LOTHIAN,

Your letter of the 9th of April has crossed mine. I wrote a fairly long letter to you describing the present political situation in India.

Three days ago I met the Governor of the United Provinces (Sir Harry Haig) at Lucknow and he told me that the Congress formula was put to him not as the Mahatma has explained it in his statement, but as a condition precedent for the acceptance of office, and that was how it had been put to the other Governors also. He felt that Pandit Govind Ballabh Pant, the leader of the Congress Party in the United Provinces, was obviously anxious to accept office, but found himself tied down to his instructions from the Congress Committee.

The Chhatari Ministry in these Provinces is not likely to last long. The Muslim League, or at any rate a considerable number of the members of that League who are in the Legislature, have deserted him. Other Mohamedans too are not supporting him. I do not think that this Ministry can convert people or receive support. Except perhaps in Bombay where the Congress majority is nominal, the position will be more or less the same everywhere else as it is in the United Provinces.

Your statements have received here considerable attention. Partly you have been attacked and partly you have been appreciated. Jawahar Lal and Gandhi have, however, taken advantage of your statement that the electorate is the final arbiter. Divorced from the context it may possibly bear the interpretation which they are putting on it, but I am sure that is not what you meant.

For a few days the Congress people were relying upon the summary of Berriedale Keith's letter to the *Scotsman* which was cabled out to India. Since then the full text of the letter has appeared in the press and he concedes that the Governors could call upon the minorities to form governments, which was also my point. He, however, says that the legislatures should meet at an early date which is also what I have suggested. I do not however think that these legislatures are going to meet before July or August. Probably that is the view of Whitehall. But whenever they meet the present ministries are bound to be overthrown. The Congress may then accept office if they are wise and do not even at that stage insist upon the fulfilment of their conditions. I am only hoping that wise counsels may prevail by that time, and that some healthy influence may be brought to bear on them by their friends in England who, I must say, have so far not publicly encouraged them. In my opinion it would be unfortunate if any repressive action was taken at this juncture as it might complicate matters and strengthen the popular support for the Congress.

I do not know what exactly the Mahatma means by his proposal to refer the dispute to arbitration. I can not recall—perhaps you may be able to tell me when I meet you—any precedent in which a constitutional question between a government and a political party, howsoever strong, has been referred to arbitration for the purposes of

interpreting the Constitution. The Mahatma has referred in his statement to a South African precedent. That, I think, related to a controversy between the British Government and Kreugers' government regarding the interpretation of the rights of Indian labourers in the Union. So far as I have been able to see it had nothing to do with the interpretation of the Constitution. I do not wish, however, to be understood as opposing any proposal for a settlement of the controversy and I should be glad if it could be settled and the Congressmen installed in office to implement the verdict of the electorate. I should not mind facing controversies or deadlocks on the floor of the House. What is unfortunate is that the venue of the controversies should be transferred from the floor of the House to the forum of the market. I hope you will exercise your restraining influence there.

It is true, as you say in your letter, that many people in this country have not got clear notions of how responsible government works and unfortunately there is no lack of lawyers in this country to mislead public opinion on the question of constitutional conventions. The conventions—as no one knows better than you—that have grown in the dominions are not exactly identical with English conventions. Nevertheless the fact remains that the written constitutions in the dominions have not prevented the growth of certain conventions.

I shall be reaching London on the 5th of May and shall go straight into my old hotel, viz, Grosvenor House and I hope to have a message from you there and then I shall be glad to come and have a talk with you.

With kindest regards,

Yours sincerely,

T.B. SAPRU

207

Hasrat Mohani for Conditional Cooperation of Muslims with Congress¹ (Extract)

Star of India, 22 April 1937

After the extraordinary success of the Congress in the last elections of the Provincial Assemblies (and the defeat of Muslim Congress candidates) the idea of the Hindu leaders has once again inclined to the question that if the Muslims too could be brought in line with the

¹ The statement was first published by Hasrat Mohani in his own periodical "Mustagil" and later on reproduced by the above paper.

Congress like the Hindus then there nothing will remain to complete the predominance of the Indian masses against the Government. Accordingly Pandit Jawahar Lal Nehru has begun practical work in this connection and a special department under Dr. Ashraf has been started for this purpose.

While heartily welcoming this movement it is necessary for us to warn the Congress authorities against a great danger. The mentality and the method with which this movement has been started in my considered opinion, far from encouraging the Muslims' contact with the Congress will create further misunderstandings in their minds.

For instance, the dictum of Pandit Jawahar Lal Nehru laid down in the last Delhi Convention, namely that "there is no objective of any All-Parties Conference before us" means that *they regard the decision of the Congressites as the final and binding decision for all peoples and that they want to coerce Muslims also to overawe them to accept the Congress decision willy nilly.*

They will be perfectly right and reasonable if in answer to this move the Muslims come and say that they, under certain conditions, are quite ready to take their part in the struggle for India's freedom but under no circumstance the followers of Islam can tolerate the position of *Coolies* under the dual domination of the British Government and the Hindu majority.

Regarding certain conditions necessary for winning Muslim cooperation, as far as we have been able to gauge Muslim feeling, the moderate and extreme sections of the community to a great extent will be satisfied with the following three real, fundamental and essential provisions:

The Congress, instead of the vague and ambiguous term of "Purna Swaraj" or "complete independence" should adopt the goal of a Free Federal Republic of "United States of India" as its creed.

The federal language of this Republic of United States of India should be termed *Hindustani* and both Urdu and Nagri scripts should be equally recognized in all courts, offices and schools and should be made compulsory for all.

The minorities should be given the guarantee, accorded to them under the Lucknow Pact of 1916, that no bill, resolution or motion pertaining to their religious and social rights and liberties can be passed into law which is opposed by any minority by $\frac{3}{4}$ th of its votes.

If Mahatma Gandhi or Pandit Jawaharlal Nehru formally agrees to these stipulations and also obtain the Congress agreement the Muslims no doubt will be ready to work with them. And if they do not agree to it then Muslims will not join the Congress.

208

Muhammad Iqbal to Jinnah: Suggests Convening of Muslim Convention¹

LAHORE,
22 April 1937

MY DEAR MR. JINNAH,

I do not know whether my letter which I posted to you about two weeks ago ever reached you. I posted it to your address at New Delhi, and when I went to Delhi later, I discovered that you had already left Delhi. In that letter I proposed that we should hold immediately an All-India Muslim Convention, say at Delhi, and once more re-state the policy of Indian Muslims both to the Government and to the Hindus.

As the situation is becoming grave and the Muslim feeling in the Punjab is rapidly becoming pro-Congress for reasons which it is unnecessary to detail, I would request you to consider and decide the matter as early as possible. The session of the All-India Muslim League is postponed till August and the situation demands an early re-statement of the Muslim policy. If the Convention is preceded by a tour of prominent Muslim leaders, the meeting of the Convention is sure to be a great success. Please drop a line in reply to this letter as early as possible.

Yours sincerely,
MUHAMMAD IQBAL

¹ Jamil-ud-Din Ahmed, *Historic Documents on the Muslim Freedom Movement* (Lahore, 1970)

209

Gandhi on Propriety of Assurance

The Hindu, 22 April 1937

Correspondent: You say you do not seek any of the slightest abrogation of the Government of India Act. Do you not thereby mean that you do not want an immediate amendment but that you contemplate it at some time?

Gandhiji: That is wholly a mistaken view. I want no amendment whatsoever, immediate or distant. For the Congress insists, so do I, on the complete repeal of the Act so that it might be substituted at the earliest possible moment by an Act of the people themselves. What I

want, before Congressmen accept office, is an assurance which I still hold is within the power of the Governors to give, that they will not interfere with the day-to-day administration of the Province. For, under the Act, it is not they but the Ministers who are responsible for the administration of the Province within the sphere prescribed by the Act. All talk, therefore, of the constitutional inability of the Governors to give an assurance baffles me and makes me suspect the motives of the British politicians who have the working of the Act within their power.

Do you mean that under no circumstances whatsoever can a Governor interfere if an emergency of a grave nature in his opinion arises?

This is a fair question. I certainly do not mean any such thing. I can conceive of the possibility of a Minister making a stupid blunder, so as to harm the people in whose name he is acting. The Governor's duty will then be plain. He would reason with the Ministers and if the Ministers do not listen, he will dismiss the Cabinet. The assurance contemplates non-interference, not non-dismissal. But dismissal when there is a clear majority in the Assembly would mean dissolution and fresh election. That will always be open to the Governor to precipitate, as it would be open to the Provincial Cabinet to do. But such a crisis cannot occur from day to day. What, therefore, I want is an absolutely honourable understanding which is incapable of a double interpretation by honourable parties.

May I then take it that you would not mind such assurances being given even in Provinces where the Congress is not in a majority?

So far as I am concerned, not only would I not mind it as a confirmed democrat, I would not have for the Congress what may not be given to other parties where they enjoy a clear majority.

I take it you are aware of the special responsibilities of the Governors.

I am afraid I must confess my ignorance.

May I then tell you that they are responsible when there is a grave menace to peace and tranquillity or to the legitimate rights of the minorities or to Service rights, Indian States, etc.?

But if the Governors are responsible, Ministers who are worth their salt are surely still more responsible for peace and tranquillity, for the actual protection of the rights of the minorities, rights of the States—if by States is meant the people of the States as well as the Princes. I cannot imagine rights of Princes against the people within their jurisdiction. And even in all these, the pity of it is that the so-called autonomy has been boiled down so much by statute that the Governor's discretion is extremely limited. There is one thing, however, if I were a Congress Minister I would not be willingly responsible for, as I would be for other things you have mentioned—I mean the rights of the Services. By that one guarantee, in my opinion, the framers of the Act have reduced

autonomy to a farce. But under the assurance I have contemplated, I have not envisaged a reduction of those rights which are guaranteed by the Act itself. While the Act remains in force the Congress Ministers will take office knowing well the handicap under which they will labour from the very commencement of their career. I nevertheless feel that if the assurance contemplated by the Congress resolution is given, the Ministers can, in spite of the handicap, so consolidate their position that they can, even acting within the Constitution, compel the repeal of the Act and hasten the day of the meeting of the Constituent Assembly whose Act will be accepted by the British people—unless they want to govern India by the naked sword.

210

Secretary of State to Viceroy on the Need to Give Congress Opportunity of Reconsidering Situation

L/PO/10/14

22 April 1937

37. Private and personal. A body of opinion here which it would be unwise to discount entirely is becoming anxious at continued deadlock and is inclined to take line that Government, having made constitutional position clear, ought to endeavour to find means of giving Congress opportunity of reconsidering situation, which they apparently will not do in absense of any move on part of Government. Halifax has brought to my notice suggestion said to have been made by Sapru in Press that you should call some kind of conference and has urged me not to reject the idea out of hand.

2. Halifax thinks it desirable that Congress should be given chance of making clear their actual position in course of discussion and it is for this reason that he was inclined to favour Sapru's proposal. I put to Halifax difficulties which I saw in way of any actual conference. At the same time I am apprehensive that at meeting between Gandhi and Inner Council of Congress on Monday, decision may be taken and manifesto issued which will make any subsequent attempt to resolve deadlock almost impossible. This would in my view be most unfortunate and would almost certainly be seized upon as occasion for criticism of Government, though I have little doubt we could deal with this in Parliament for the present.

3. It occurs to me that since Gandhi asserted that he had no intention of abrogating Act and since it appears that what reasonable Congressmen really desire is some assurance that Government do not desire to use their reserve powers in a legalistic way and without regard to their broad purpose in order to torpedo programme of social and economic reform, it might be possible for you to issue statement that Government have no such desire or intention and that you would make it your business, if need should arise, to see that the reserve powers were so interpreted. You might add that Governors are fully prepared to adopt a helpful and sympathetic attitude towards policies of economic and social reform which have the backing of Ministries and Legislatures. So far from wishing to use the reserved powers obstinately, they would favour any measures for carrying out those reforms which did not give occasion for the use of the special responsibilities.

4. Desire in India for some move by you appears to be genuine and widespread, and if in view of meeting of Congress Committee on Monday you think it desirable to make any such move which would strengthen the hands of the Congress moderates, you have my full approval in advance.

5. It is, however, difficult for me here to judge real trend of opinion in India and I shall be grateful for your opinion on aspect of case as presented above.

6. Subject to anything you may say in reply to this telegram, I propose to answer questions in Parliament on Monday on lines of my telegram of 21st April, No. 1267.¹

¹ Not printed.

211

Governor-General to Secretary of State on Functioning of Minority Governments

L/P.O./10/14

23 April 1937

138 C. Private and personal. Your private and personal telegram of 22nd April, '37.¹ I think I can best convey to you my views about the constitutional position by quoting following paragraph of my letter to you of 22nd April² now in the post, written in reply to yours of 12th

¹ See No. 210

² Not printed

April. Please note that my letter was posted before I received your telegram and that it represents my most carefully considered opinion as to policy in this regard:—

“I do not think it is the least good to parley with Congress unless we take view that we mean to amend Act of 1935 in the direction in which Congress is pressing us to amend it. The notion held in some quarters that a few kind words from the Viceroy would persuade Gandhi to alter his decision and to advise Congress to take office without first obtaining from Governors undertakings demanded of them is merest moonshine. I am quite confident now that leaders of Congress, including Gandhi, were perfectly well aware when they pressed Governors for these undertakings that they were asking Governors to do something that they could not do, having regard to their obligations under statute and the Instrument of Instructions. Congress newspapers are daily insisting upon desirability of my seeing the Mahatma and this move has also been urged by Birla and Shiva Rao when they have seen me. The motive is plain; it is to enhance prestige of Congress and by moving venue of negotiation away from Provinces and back to Centre to prepare stage for Gandhi's ‘come back’ and a determined drive to bring about amendment of the Act of 1935 and removal of safeguards.

“My strong advice to you is that at this moment it would be a capital error to yield anything material to Congress in the hope of finding a way out of our immediate difficulties. I feel sure that effect of any concession to Congress would be most seriously to shake the Services. I think too that any manifestation of power of Congress to compel His Majesty's Government and Government of India to accept a substantial change in scheme of constitution would so alarm the Princes as to make it at least doubtful if they could be brought into Federation, and I entirely agree with Emerson when he says, in his letter attached hereto, that effect of any such concession to Congress upon public opinion in India would be immediately to raise prestige of Congress to such a pitch that it would cease to be a political party and would be regarded by the country as a whole as master of India. Again, I am of opinion from such information as is available to me that Congressmen are so inflated by their success at the polls and in a mood so truculent that if they were able to secure power in circumstances in which they would be freed of effective check of Governors' safeguards they would at once attack position of Services, including police, with a view to bringing about a condition of affairs in which agrarian mischief and ultimately revolution on grand scale might be launched with good hope of success. You will recognise too that in measuring effects of any substantial concession at this time, it is most necessary to have regard to the consequences likely to follow in the Provinces in which parties other than Congress have a majority and in

which Ministers have assumed office with support of parliamentary majorities. A moment's consideration will suggest how damaging such a position would in all probability be to future stability of the Government in those non-Congress Provinces and how hurtful they are to future prospects of parties opposed to Congress.

"My conclusions are that we cannot proceed by way of concessions to Congress, and that, this being so, it is worse than useless to open negotiations with Congress.

"But let me make it very plain to you that, if we decide, as I think that we must, to stand on the strict interpretation of the statute and on that basis to see this business through, we must be prepared to face a crisis of grave persistent nature and a period—perhaps prolonged—of much anxiety and it may be of no inconsiderable danger. For I cannot conceal from myself the fact that Congress has now a hold over rural population in a large part of India such as it did not possess at the time of the last civil disobedience movement, while its grip on urban people is at least as effective as it then was.

"I do not wish to over stress the point, but I am sure you will recognise that conjunction of trouble on a large scale on the North-West Frontier with widespread disorder in British India would place a very heavy strain on our military resources, while if ill luck pursued us still further to the tune of a rebellion in Burma, by no means an impossible contingency, we should be very hard put to it to find forces necessary to cope with the position.

"The conclusion I draw from these last considerations is that if I run, in British India, into conditions in which authority of the Government is seriously challenged, I shall find it necessary to act with the utmost promptness and resolution.

"You may, of course, count upon me to do in good time all in my power to prepare, both at the Centre and in the Provinces, for any emergency that may arise, while at the same time striving up to the last minute of the last hour to avert a crisis and to get Congress into office in the six Provinces in which they command a majority. It is conceivable that Congress may split under pressure of events, but I see no signs of it at present and I think we shall be wise to proceed on assumption that they will hold together. The decision is one entirely for you yourself, but I think it my duty to tell you that I regard position in India as of such potential gravity that I think that you will be well advised to take an early opportunity of putting this position formally before the Cabinet. Given the support which I am confident that you and your colleagues will afford me, I am able to contemplate coming months with a good deal of confidence. The police force is sound and I am entirely satisfied as to tone and loyalty of the army. No man can foresee how long it will be

before Congress comes to its senses; but that it will sooner or later find a way of escape from the impasse that Nehru and Gandhi have created. I do not doubt, and it will be sooner the more plainly it is told that there is nothing doing on the lines of amending or by 'undertakings' altering the effect of Constitution as written in the Act of 1935."

When I saw Sapru he gave no hint of suggesting a conference and I am pretty confident that suggestion came from him in an attempt to deflect howls of rage with which his perfectly sound statement of the statutory position with regard to safeguards was received. The Liberal failure at the polls, coupled with their failure (two corrupt groups) in Madras to accede to invitation to form minority Ministries, has left them feeble and disgruntled, and I am not disposed for the present to attach much importance to their views. Sapru's actual scheme so far as I recollect was for a conference to include all Congress Leaders, Governors of Congress Provinces, and Viceroy to preside. It is clearly out of the question to consider anything of the sort, given the existence of minority parties. There have been some indications that non-Congress Provinces would view with apprehension the discussion of this (corrupt group), unless they were associated with it, and I do not doubt that a demand to be represented would follow announcement of conference. We must also bear in mind, not only the danger of disturbing minorities and driving Moslems into arms of Congress (I am aware that they are watching us closely, and I do not wish to see a united front created in this area), but the undesirability in view of accepted policy of provincial autonomy of centralising discussions under Viceroy. There is nothing that Congress, for obvious reasons, are more anxious to secure. My mind has always been open on this, as on every other aspect of this whole most important question, and it may well be that, at some later stage, I may have to consider individual discussion with Mr. Gandhi or some form of central conference. But my own instinct is very strong aversion to it at this stage. I agree that there is strong desire in many quarters that I should intervene. To Congress in general my intervention no doubt appears as best way of escape from tangle of their own creation, while Gandhi sees, in discussion with Viceroy, opportunity to re-establish his personal position, to enhance prestige of Congress, to perpetuate all-India unity of Congress by bargaining at the Centre about matters essentially provincial and to open a sustained attack upon existence of safeguards. Certain elements of general public and such papers as *Statesman* and *Pioneer* fearing unpleasant consequences voice demand for Viceroy-Gandhi interview as seeming to offer way out of impasse but without slightest idea how cure will work or appreciation of my limitations to satisfy Congress (corrupt group) statutory voters. You and I and Governors have all made plain our intention to interpret our instructions

under the Constitution sympathetically and in liberal spirit, and programme of Bombay and other minority Ministries makes it abundantly clear that Governors have no intention of interfering with progressive programmes of social legislation. But these general expressions of goodwill are spurned because Congress is seeking a formula which will effectively cancel Governor's reserve powers. Gandhi (compare, e.g. his latest statement of 22nd April, to foreign Press) and Congress, whether deliberately or not, consistently fail to recognise that special responsibilities represent area in which Governor, if unable to agree with his Ministers, is thrown back on Parliament, that Parliament has definitely retained a *locus* in these respects and that position can in no way be altered either by undertaking or by any vote of Indian electorate and that it is impossible therefore to reach agreement on the basis of an assurance that Governor will not interfere with day-by-day administration in the Provinces.

I see indeed no hope of discovering formula acceptable to Congress which we could accept. Indeed I do not think we can contemplate any formula attempting definition of what Governors can or cannot accept, firstly, because of difficulty of interpretation, secondly, since a proposal, legislative or administrative, which in ordinary times would be harmless, might, in altered circumstances, involve public sensitiveness and potential disorder, appear so inadvisable as to warrant Governor in exercising his special responsibility. In other words, background of the conditions in a Province (plainly a complex not susceptible of definition) must be regarded as one factor of which a Governor must take cognisance in deciding whether or not his special responsibility should be exercised. I hope Halifax appreciates difference between circumstances in which he negotiated when reforms were at stage of preliminary consideration and those now obtaining, in which I and Governors are subject to a Constitution written in an Act, the ink of which is hardly yet dry, and which is being satisfactorily worked in five Provinces.

I am fully alive to the uncompromising arguments which can be advanced on the other side, but having measured position most carefully and with closest observation of the position in its changes from day to day, I am most strongly of opinion that time for intervention by me has not yet arrived and that wisest policy is to allow matters to take their course until minority Ministries are defeated or Congress makes a move.

212

Haig to Linlithgow: Second Fortnightly Report on Political Condition in U.P.

Linlithgow Papers

CAMP,
23 April 1937

[Personal & Confidential]

MY DEAR LORD LINLITHGOW,

I am sending my second fortnightly report on political conditions in the United Provinces under the new Constitution. The new Ministry has settled down to its work most vigorously and effectively, and I am more than pleased with the spirit in which it is tackling its difficult task. At the beginning they were naturally uncertain about their future. The stream of propaganda from the English edited press in India, particularly the *Statesman*, in favour of negotiations with the Congress, and the prominence given to the constant statements of Lord Lothian, produced an impression that His Majesty's Government were contemplating some compromise which would instal the Congress in power and send the new Ministries in discredit out of their offices almost as soon as they had assumed them. A complete change came over the situation, however, with the speech of the Secretary of State, which was felt to indicate quite plainly that the British Government stood firmly by the position which it had already taken up, and made it pretty clear that the new Government could depend on remaining in office at any rate until about August when it would have to meet the Legislature. A small matter at the very beginning gave an indication of the spirit of the Ministry. When considering the Coronation celebrations, they felt it desirable to go rather beyond the suggestions made by the Government of India, and decided to hold durbars in every district, as they felt that this would really be appreciated by loyal people and be an encouragement to them. One of their first actions which has caused considerable consternation in the Secretariat was to decide against moving the headquarters of Government this year to Naini Tal. This was more than a mere popular gesture. The Ministers felt strongly that in the peculiar conditions now prevailing, they must themselves remain throughout the hot weather in the plains in the closest touch with men and affairs, and they were also anxious to show that Rajas and Nawabs were as capable of facing the discomforts of a hot weather as any Congress patriot. The retention of the Secretariat in Lucknow was really incidental to this main principle.

Actually the conditions for the Secretaries will not be so bad as they had at first anticipated. They will probably all be allowed to go up to Naini Tal for about six weeks during the worst part of the hot weather, though the Ministers intend to stay down almost continuously. I myself am moving up on the 10th May so as to hold the Coronation celebrations in Naini Tal, and I propose to remain there till about the 15th July, when I shall come down again for six weeks or two months.

2. The Ministry has also put up a very vigorous answer to the attacks made upon them by the Congress, justifying their assumption of office and carrying the war into the enemy's country by accusing the Congress of running away from their responsibilities and dishonouring their promises to the villagers. It is interesting to observe that though Pant and other Congressmen have replied to this statement with a good deal of personal abuse, they have said nothing on the main point brought against the Congress, which confirms the impression that there is really no effective answer to this line of argument. The Ministry have taken steps to have their statement circulated very widely throughout the Province, in villages as well as towns, and I think its effect should be good. The whole question of publicity, however, is engaging their close attention. They realise that the feature of the next few months is likely to be the propaganda campaign on both sides. They have no party organisation at present which can do propaganda for them, and they appreciate clearly the limitations, both constitutional and practical, on propaganda through Government agency. They are still discussing intensively methods and principles, but the present idea is to use the Government agency to the fullest extent that would constitutionally be reasonable, and at the same time to develop as rapidly as possible their own party organisation. For this purpose funds are essential. They hope that the nucleus will be provided by the landlord associations, and they are fairly sanguine of getting some Rs. 40,000 quickly. With this sum they ought to be able to work up a fairly effective organisation throughout the Province.

3. They are also paying great attention to the personal side of publicity. For instance, in dealing with the difficult problems of fixing the minimum price of sugarcane, which I referred to in my last letter, they decided that the Minister concerned should, in the first place, go to Meerut, hold a conference with the factory owners, the cultivators and the local officials and then announce on the spot a decision which had already been taken by the Cabinet. The Minister also paid a similar visit to Gorakhpur. Again, the Chief Minister and the Revenue Minister paid a visit to the Cawnpore District in order to announce personally in a number of villages the remissions that are being given on account of the hail storm. This appears to have had an excellent effect locally,

particularly as it had been suggested that as the Congress had refused to take office, it was not known what remissions, if any, would be granted. The same two Ministers intend to pay a similar visit to a number of villages very badly affected in the Rae Bareli district. The effect of all this is to show, at any rate in these districts, that the action that is being taken is not being taken by the Congress, but in spite of the Congress.

4. With regard to policy generally, I am glad to find that the Ministry are not really anxious to go in for pretentious promises, which every one would know they could not possibly carry out and which would merely present an unconvincing imitation of the Congress programme. For a moment some of them were somewhat attracted by this idea, after the publication of the Bombay programme, but they soon realised that this would do them no good, and that it was wiser to continue on their own lines and to devote themselves to a programme which could be reduced to practical measures that could be laid before the Legislature when it meets. The main item will be tenancy reform. They are intending to set up a committee very shortly to recommend immediate action. The main item, which I hope they will accept, will be the grant of occupancy rights to all tenants-in-chief. But this will probably be supplemented by a number of measures directed to removing the many grievances in small matters and the petty tyrannies from which the tenants suffer. The provisions for ejectment for non-payment of rent might also be made less stringent with general advantage. If the present arbitrary powers of landlords in matters which closely concern the tenants, such as the grant of land for building houses or the right to plant trees and so on, are removed, the opportunities for the landlords' servants to bully the tenants will be greatly reduced. With regard to the pitch of rents and stability of rent, this matter is already being tackled by the comprehensive re-settlement and revision programme that we are carrying on, and the new Ministry intend to continue with this. The position therefore, if this policy works out as I hope it may, would be that tenants would have real stability of tenure and fair rents, while our finances would not be affected by any reductions in land revenue or lowering of canal rates which would involve the Province in bankruptcy unless new measures of taxation falling inevitably on landlords were introduced.

5. Another measure which the Ministry are likely to take up energetically, though of course the actual construction of the scheme would take time, is the proposal for a hydro-electric grid in the east of the Province which appears to be a very attractive proposition and financially sound. They will also apply themselves to such measures as may be possible in relief of educated employment. The old Government went into this matter in some detail and various measures which they had approved have not yet been introduced. The new Government will be able to take credit for these.

6. The Congress M.L.As. held a meeting at Lucknow to consider their policy on the 11th April. A day or two before I received a letter from Pant in which he asked me to inform him before the meeting what was my intention about summoning the Legislature. I replied, after consultation with the Cabinet, that I had no immediate intention of summoning the Legislature, and that I proposed to do so when my Ministers were in a position to place their budget proposals and programme before it. This decision was criticised on the lines anticipated, and the Congress have now called a meeting at Lucknow early in May, to which they have invited all M.L.As. and at which they talk about formulating a programme for the Assembly, in order to give effect to the will of the people. Whether they will go so far as some of their more extreme members suggest and pretend to function as if they were the Legislature, seems to me a little doubtful, particularly as the number of non-Congress M.L.As who may attend this meeting is likely to be small. The agitation for calling the Legislature in so far as it is based on the rights and responsibilities of the legislators is very hollow, inasmuch as the avowed intention of the Congress, if the Legislature were summoned, would be to create a situation in which the Governor would have to take over the administration, the Legislature would be suspended and the legislators would therefore be at once deprived of their rights and responsibilities.

7. My impression is that the more Congress look at the situation, the more unsatisfactory it appears to be from their point of view, and particularly in the eyes of the rank and file. They will see the Ministry doing and proposing things that they would naturally have done themselves and for which they might have expected to get the credit. They have no real answer to the charge that they have deceived the electorate; and if they spread propaganda in the villages to the effect that they have been prevented by the Governor from carrying out their promises to the tenants, in very many cases the reaction of the villages will not be resentment against the Governor, because promises which always seemed a little too good to be true have not been fulfilled, but a feeling that the Congress were promising what they could not perform and that the Governor is a stronger power than the Congress. It seems clear that the Congress have no intention at present of embarking on revolutionary agitation, and if that is their temper, the pressure to accept the constitutional powers that await them seems likely to become steadily stronger. Even if that does not produce a change in the official policy of the Congress, there is perhaps a growing likelihood that many of those who have entered the Legislature on the Congress ticket, without being very convinced Congressmen, will not indefinitely allow themselves to be deprived of the power and privileges to which they have been looking forward as members of the Assembly; and therefore

even if the Constitution has to be suspended for a time, it seems to me possible that before long some combination might be found with a view to forming a Government which would be in a position to command a majority.

8. There is great activity in connection with Muslim affairs and it is difficult to keep track of all developments. Broadly speaking, what has happened is this. Khaliq, who is at the moment President of the Muslim League Parliamentary Board, has begun almost openly to identify himself with the Congress. He had an interview with Jawaharlal Nehru with a view to settling the terms on which the Muslims could join the Congress, and as Chairman of the Municipal Board, Lucknow, he invited Govind Ballabh Pant to perform with due ceremonial the hoisting of the Congress flag over the Municipal office. These activities, combined with the avowed policy of the Congress to capture the Muslim masses, have seriously alarmed the non-Congress Muslims. Jinnah has made clear his strong opposition to the Muslims joining the Congress. Shaukat Ali has been enlisted on the same side, and at a meeting of the Muslim League Parliamentary Board which is to be held on the 25th of April it looks as if battle will be joined. If so, Khaliq is likely to be defeated and might be driven out of the League into the Congress, which the more moderate Muslims would regard as a very satisfactory solution. They do not think he would carry with him more than ten M.L.A. followers. On the other hand, Khaliq, who is nothing, if not adroit, may not wish to burn his boats in this manner, and if he finds himself in danger of defeat may try to remain in the Muslim League by accepting some kind of compromise. But on the whole the non-Congress Muslims are very much alive to the dangers of the situation and are very active. They are contemplating themselves approaching the masses through the Maulvis whose popular talents appear to be available to both sides for a consideration. This however requires the raising of money, which is always a difficulty.

9. The meeting of the non-Congress M.L.As. and M.L.Cs. called by Chhatari on the 18th April in Lucknow was not a success, mainly because Sir Maharaj Singh made a very strong speech attacking the formation of the Ministry and the failure to summon the Legislature. There is no doubt that this speech, coming from one who only a few weeks ago was occupying the position of Home Member to this Government, had a very disintegrating effect on the supporters of the Ministry. The Ministers resented it greatly, as it appeared to be unnecessary for him to express these damaging views or to attend the meeting at all if he did not agree with them. There is a general belief that Sir Maharaj Singh has close natural affinities with the right wing of the Congress. The attitude of the Europeans and Anglo-Indians also was

somewhat disappointing to the Ministry, as they refused to commit themselves to anything without consulting their constituents. It may be that the minor minorities are somewhat apprehensive of antagonizing the Congress unnecessarily, realising that at any moment the Congress might take the power that is within their grasp.

10. On the other hand, the depressed classes, or some of them, are agitating continuously for the inclusion of a Scheduled Caste Minister in the present Government, and it is believed that some of the Scheduled Caste representatives elected on the Congress ticket might be won over. I fear, however, this resolves itself mainly into a matter of personal interest. The Scheduled Castes representatives are mostly at loggerheads with each other, and each potential leader is looking to his own advantage.

11. On the whole, I think that the Ministry have definitely strengthened their position in the last fortnight and are working well together and working hard. They are certainly not popular. They are denounced as reactionaries and government men. There are still many dissensions and jealousies among those who ought to be supporting them, and the effect of Sir Maharaj Singh's speech shows how very precarious their hold is even on their professed followers. Nevertheless power attracts respect, and at present they are using their power wisely. In the Province as a whole I think the estimate given in my last report holds good. Congress have lost ground by not taking office, and vigorous propaganda against them might have considerable effect on the now doubtful and slightly sceptical villager. I shall however be in a better position to form a judgment on this matter after the 1st May, when we are holding a Commissioners' conference which I hope will be of value from many points of view, both in giving us first-hand information of what is going on throughout the Province and in bringing Commissioners in touch with the Ministers and their policy.

Yours sincerely,
HARRY HAIG

213

Nehru on the Role and Nature of Congress and its Attitude Towards Muslims¹

AICC Papers F. No. 31/1937

25 April 1937

For various reasons the problem of increasing the Muslim element in the Congress has recently received considerable attention. This has been so both on the side of prominent Congressmen, Hindu and Muslim alike, and on the part of others who, though sympathetic, have hesitated to join the Congress. There is no doubt about it that Muslim India is in a state of ferment today. The Muslim masses inevitably think more and more in terms of common economic problems and common burdens together with others. As a reaction to these new currents certain prominent Muslims, connected with communal organizations, have tried to dissuade Muslims from joining the Congress and have even hinted at dire consequences and catastrophies if this should happen.²

I have no desire to enter into these controversies which tend to become personal and in which irrelevant issues are often raised. It is not, therefore, with a view to controversy that I issue this statement, but I do feel that clarity of ideas is desirable and the Congress position should be clearly understood. I find that even Congressmen sometimes fail to appreciate this and talk in terms of pacts and compromises with Muslims or other religious groups.

The Congress is a political organization dealing also inevitably with economic problems for these problems affect the masses of India more than anything else. The objective of the Congress is political independence, that is, the capture of power by the people of India, irrespective of their religion. Every Indian of the hundreds of millions who inhabit this country must be a sharer in this power and must benefit by the new order that we strive for. For ultimately it is this order, which removes our crushing poverty and unemployment, which we work for. Subjection and poverty are the common lot of Indians whatever their religion might be; freedom and economic and cultural betterment must also be the common lot of all of us. In the struggle to obtain this the Congress offers a common platform to all and because it thinks in terms of the masses and their betterment, it goes to them, organizes them, advises them, seeks strength and guidance from them.

¹ The statement was issued to the Press on 25 April 1937.

² M.A. Jinnah and Shaukat Ali opposed this move of the Congress.

The Congress, being a political organization, does not concern itself with religion or connected matters. But religion and culture being important matters in the life of many individuals, it is right that they should want to know how these are viewed by the Congress. Therefore, the Congress declared at Karachi and subsequently, in the clearest language, that the fundamental and basic rights of all Indians must contain provisions for the free exercise of religion, for freedom of conscience, for the protection of the culture, language and script of minorities, and further that all citizens, whatever their religion or caste or sex, were equal before the law and in regard to public employment, office, trade or calling. The franchise must be on the basis of universal suffrage.

This assurance has been repeated in the Congress election manifesto and is the basis of all Congress policy. It applies to all majorities and minorities alike and it is unthinkable that the Congress will ever vary it.

Having given this solemn assurance, the Congress has nothing further to do with religious or cultural matters and it pursues its political struggle. In this political struggle it has gained great power because millions of people have sided with it, approved of its programme, and looked to it for deliverance from their thralldom and misery. That programme was a common programme for all Indians, whatever their religious persuasions may be. The development of the nationalist movement has crystallized power in two opposing ranks, and we have in India today two dominating forces: Congress India, representing Indian nationalism, and British imperialism.

I have often been made to say in the public press, owing to a mistranslation, that there were only two parties in India. That is manifestly wrong for there may be, and are, any number of parties, big or small, important or confined to a handful. But what I have said, and what I think is true, is that there are two principal forces in India today, that of the Congress and that of imperialism. Others incline during a crisis towards the one or the other, or are mere lookers-on and do not count. We have had big crisis and conflicts in the past, and as is the way with nations and communities, we have gained strength and self-reliance thereby. Out of a fiery furnace of a nation's suffering and conflict, the Congress has steeled itself and risen higher and higher, strong in the love and strength of our millions. Those who kept out of it and relied on the feeble prop of an alien and vanishing government, remain themselves feeble, without self-reliance or strength, unable to charge themselves with the energy of a nation on the move.

Strength does not come to a nation or a community from mere numbers, or special seats in the legislatures, or protection given by outsiders. It comes from within and from the cooperation and goodwill

of comrades in a common cause. The minorities in India will not flourish by being spoon-fed from above but by their own merits and strength. Can anyone imagine that any majority in India can crush the brave Sikhs, small as they are in numbers? Only a lunatic can think that the Muslims can be dominated and coerced by any religious majority in India.

The time has gone by when religious groups as such can take part in political or economic struggles. That may have been the case in medieval times. It is inconceivable today; the lines of cleavage are different, they are economic. Therefore, to think in terms of communal groups functioning politically is to think in terms of medievalism. And this is the reason why communal groups in India fail so dismally in the political field; they have and can have no common political or economic policy; they split up and are usually dominated by reactionaries. Having no inner strength they look inevitably to favours from the imperialist masters. And what are these favours? A few state jobs, a few seats in legislatures. How does this affect the hunger of the millions or the unemployment of vast numbers?

Realization of this is coming slowly to those who hoped for relief from their communal leaders and so they are turning more and more to the Congress and thinking in terms of political and economic power.

We talk of approaching the Muslim masses. That is no new programme for us although the stress may be new. That is part of our principal programme of developing increasing contacts with the masses, whether they are Hindu or Muslim, Sikh or Christian or any others. The religion of all these is their personal matter which the Congress guarantees. But we think of them not as religious units but as suffering units of the hungry Indian masses who cry loudly for succour.

It must be remembered that the Congress has always had large numbers of Muslims in its fold, and larger numbers have sympathized with its activities. Some of the most eminent of our national leaders have been and are Muslims. But it is true that the Muslim masses have been largely neglected by us in recent years. We want to repair that omission and carry the message of the Congress to them. Why do others object to this? If they disagree with the political or economic policy of the Congress, they are at perfect liberty to place their policy before the masses. But it is to the masses that the appeal must be made.

This is important, the appeal to the masses. Our problems cannot be solved, we hold, by a few people at the top. And that is why we have lost faith in the old style all parties conferences, in a few persons, representing communal organizations with no common political background, meeting together and discussing and quarrelling. We have had enough experience of these in the past, and that experience does not call

for repetition. We are, of course, always willing to discuss our problems with all who earnestly desire their solution, whether they agree with us or not. But the way to a solution, is not through a so-called all parties conference.

Those who talk of the Congress entering into a pact or alliance with Muslims or others, fail to understand the Congress or the new forces that are moving our people. We have already made a great pact among our people, a great pact among ourselves, among all who desire national and economic freedom, to work together to this common end. The Muslims are in this pact just as the Hindus and Sikhs and so many Christians. They are there as Indians, and if they have problems *inter se*, as they must have occasionally, they will discuss them and decide them democratically within the great organization which has come to represent to such a remarkable degree the will of the Indian people. Is it not better and more dignified to do this than to seek favours from and take deputations to our alien rulers who dominate over us, and seek to play off one against the other?

When we have gained our freedom, that is the only possible and democratic way for us. And even now, in the course of our struggle for freedom, that is the only way.

Some people suggest that semi-communal nationalist parties should be formed, like a Muslim Congress party. That seems to me a wrong course and one which will encourage communalism and injure the larger cause. Our experience of the Nationalist Muslim Party³ in the past was not a happy one. Such half-way groupings confuse the issue and the masses are perplexed. Those who disagree with the Congress will, of course, form their groups and parties. But those who agree should not stand on the doorstep; they should enter the nation's chamber and take full share in shaping the nation's policy. There are many today who talk vaguely of being Congressmen and of being in favour of independence. But they work through other and communal organizations and waste their strength thereby.

The crisis deepens and the people of India will soon have to take many fateful decisions. Already these petty and unreal problems, communal and the like, shade off into the background and the real issues, pregnant with destiny, overshadow India and the world. What will our answer be whether we are Hindus or Muslims or Sikhs or Christians? Shall we stick to our little ways, lost in a wilderness of pettiness? Or will we, united and firm of purpose, take the shaping of events in our strong hands and make the history of our choice?

³ The Party was formed in 1929.

214*Jinnah's Statement Objecting to Congress Dealing with Individual Muslim Legislators*

Bombay Chronicle, 26 April 1937

Mr. M.A. Jinnah President of the All India Muslim League has issued the following statement to the Associated Press:—

I understand that there is a move to invite to a meeting of the members of the Congress to be held on May 2 and 3 some Muslim members who have been elected on the Muslim League ticket in the United Provinces Assembly and also that a conference is going to be convened at Allahabad.

I am entirely in the dark as to what the object of this move is. But I want to make it clear that it would be useless for any individual or individuals effectively to carry Muslims behind them if any settlement is arrived at with a particular group or even for the matter of fact, say a whole province. It is a pity that these round about efforts are made. The only object of it can be to create some differences between Mussalmans. It is no use dealing with those men who are in and out of the Congress and in and out of the League, at one time with one and another time with the other, as it suits them.

I am sure the Muslims of U.P. won't betray the Mussalmans of India and, therefore, any effort to settle by individuals which may be advantageous to them for the time being won't carry us anywhere.

I have been promised by Mr. Khaliquzaman, leader of the Muslim League party in U.P. Assembly that he would let me know what the situation is in the U.P. I have sent him reminders and I am waiting to hear from him for the last three weeks, and I can't understand the mystery of his silence.

I only trust he won't enter into any commitments which may be repudiated not only by Muslims of his province but by the Muslims of all India.

The method of dealing with individuals or groups can only result in isolating and dividing Muslims group by group or province and destroying the united front—API

215

*Rajendra Prasad's Reply to Jinnah on Congress and its Approach Towards Muslims**Bombay Chronicle, 26 April 1937*

In an exclusive interview to the United Press with regard to Mr. Jinnah's attack on the Congress, Babu Rajendra 'Prasad said: 'No Congressman ever thinks of imposing his will on any one else, be he a Muslim or of any other persuasion. The present movement of Congressmen to enlist the Mussalmans is intended and expected to explain to the Mussalmans the Congress policy and programme and to enlist their sympathy and support for all that the Congress stands for.

Experience during the elections has convinced Congressmen that in many provinces there is amongst the Mussalmans much appreciation of the Congress programme and that the Congress has not so long realized this latent sympathy of the Muslim masses. The attempt is to enlist this sympathy. The Congress has always been an organization whose doors have been open to all members of all castes and communities in India and surely there is nothing wrong in approaching the Mussalmans with that policy and programme.

It is hoped that when they are properly explained to them the Muslim masses will respond with as much enthusiasm as the Hindu masses have done. There is no conspiracy in this against any Muslim leader or Muslim group. It is obviously the only proper course for an organization like the Congress. One would have thought instead of rousing suspicion and opposition the efforts would be welcomed and supported, but unfortunately Mr. Jinnah and Maulana Shaukat Ali have adopted an attitude of opposition. Mr. Jinnah has treated a simple statement of fact by me as a challenge. There was no question of any challenge and after all there could be no challenge to him in my province where he did not set up any candidate for election on his ticket.

The demonstration and hartal of April 1 in Bihar were entirely spontaneous in which the Mussalmans had joined with as much enthusiasm as the Hindus. I cannot attribute these to the Mussalmans love of *tamasha* as Mr. Jinnah would have me do. During the last 15 years we have had many hartals and demonstrations, but the Mussalmans of Patna did not join them so freely and enthusiastically as they did those on April 1. Differences there have been and will continue to be in future. The Congress is anxious to solve them and is anxious to be influenced in its decisions by the Mussalmans as much as by members of any other community. Hence its anxiety to enrol them as its members in as large

number as possible. It is wrong to suppose that the intelligentsia have to be ignored. They have their place and importance. But we must all realize that after all it is the masses who constitute the country at large, and they too cannot be ignored as has been done so far. The Congress has started this work amongst the masses not a day too soon and we hope that in this the Congress will get the support of the Muslim intelligentsia—United Press.

216

Congress Working Committee Resolutions on Government View on Assurances and other Matters

AICC Papers F.No. 42/1936

ANAND BHAWAN, ALLAHABAD
26–29 April 1937

A meeting of the Working Committee was held at Anand Bhawan, Allahabad on 26–29 April 1937. Shri Jawaharlal Nehru presided. All members of the Committee with the exception of Khan Abdul Ghaffar Khan and Shri Shanker Rao Deo were present. Shris M.K. Gandhi, Rajagopalachari, Rukmini Lakshmipathi, Mridula Sarabhai and Rafi Ahmad Kidwai attended the meeting by special invitations.

The following resolutions were passed:—

CONGRESS MINISTRIES

The Working Committee approves of and endorses the action that the leaders of the Congress Parliamentary Parties in the provinces took, in pursuance of the decisions AICC dated March 18, 1937, on being invited by the Governors in their respective provinces to help them in the formation of ministries.

In view of the fact that it is contended by British ministers that it is not competent for the Governors, without amendment of the Act, to give the assurances required by the Congress for enabling the Congress leaders to form ministries, the Committee wishes to make it clear that the resolution of the AICC did not contemplate any amendment of the Act for the purpose of the required assurances. The Working Committee moreover is advised by eminent jurists that such assurances can be given strictly within the constitution.

The Working Committee considers that the pronouncements of the

policy of the British Government made by Lord Zetland and Mr. Butler are utterly inadequate to meet the requirements of the Congress, are misleading and misinterpret the Congress attitude. Further the manner and the setting in which such pronouncements have been made are discourteous to the Congress. The past record of the British Government as well as its present attitude show that without specific assurances as required by the Congress, popular ministries will be unable to function properly and without irritating interference. The assurances do not contemplate the abrogation of the right of the Governor to dismiss a ministry or dissolve a Provincial Assembly when serious differences of opinion arise between the Governor and his ministers. But this Committee has grave objection to ministers having to submit to interference by Governors with the alternative of themselves having to resign their office instead of the Governors taking responsibility of dismissing them.

WORK OUTSIDE LEGISLATURES

Owing to the deadlock created by the refusal of Governors to give the assurances asked on behalf of the Congress enabling acceptance of office by Congress members of the legislatures, various questions have been addressed to the Working Committee by Congress leaders in the Provinces as to the attitude, Congressmen should adopt, towards the so-called ministries formed by the Governors in the provinces concerned. The Working Committee is of opinion that the formation of these ministries by the Governors is unconstitutional, repugnant to the conception of autonomy and in total defiance of the overwhelming public opinion in each of those provinces. The Working Committee is further of opinion that those who have accepted ministerships in these circumstances have by their unpatriotic conduct rendered a disservice to the country. The Committee advises that public meetings be held denouncing the action of these so-called ministers and challenging them to face the legislatures and justify their conduct. But the Committee is of opinion that hostile black flag demonstrations and the like should be avoided.

Congressmen should realise that parliamentary work is but a minor part of the national programme and that the great objective of complete independence can only be secured by sustained efforts by every Congressman and Congress-woman in carrying out the programme outside the legislatures as laid down from time to time. In furtherance of this objective, members of the legislatures should establish living touch with the electors in their respective constituencies and carry the message

of the Congress and commend to them the constructive programme including the use of *khaddar* to the exclusion of mill cloth, the local production of *khaddar* in villages by hand spinning and hand-weaving; creating public opinion in favour of total prohibition; promotion of communal unity by collective and individual effort; and the eradication of the evil of untouchability in every form.

CONTACT WITH NON-CONGRESS MINISTRIES

Resolved that no Congress member of the Provincial Legislatures shall have any dealings or interviews with the so-called ministers who have been unconstitutionally appointed in provinces where Congress commands a majority and the ministries in other provinces, except with the express permission of the Leader of the Congress party.

THE JUTE MILL STRIKE¹

The Working Committee views with alarm and concern the grave situation of the jute workers of Calcutta who have been conducting a heroic struggle for the last twelve weeks for the recognition of their elementary right to form a union and for securing redress of their legitimate grievances. The jute workers' struggle has assumed a great national importance. The strike has made rapid strides and today something like two hundred thousand workers are involved in it.

The Committee offers its heart-felt sympathy to the strikers and expresses its admiration for the determined and peaceful manner in which they are struggling against the combined forces of employers and the Government.

The Committee puts on record its sense of disappointment at the attitude of the employers who by refusing to satisfy the reasonable demands of the workers are prolonging the strike and deepening the misery of the strikers.

The Committee is of opinion that it is the imperative duty of the Government to intervene in the conflict and to secure speedy settlement of the dispute on the basis of the recognition of workers' rights and satisfaction of their just demands. The Committee, however, notes with regret that the Government is taking the side of the employers in this dispute and places on record its strong condemnation of the repressive policy of the Government which seeks to suppress the workers' struggle by promulgation of prohibitory orders under Section 144, Cr. P.C., arrest of labour leaders and workers and various acts of police and military violence. The Committee, in particular, records its strongest protest at the reported entry of the police and military into the workers

¹ The jute mill workers began their strike in the month of February, 1937.

quarters, the assault on one of the Labour Members of the Bengal Legislative Assembly, the prohibition of these members including the President of the Trade Union Congress from entering their constituencies and the firing on unarmed workers including little boys.

217

Linlithgow to Erskine: Appreciation of Erskine's Suggestion Regarding Investigation Into the Conduct of Troops

Linlithgow Papers

VICEROY'S CAMP,
27 April 1937

[Personal & Confidential]

MY DEAR ANDERSON,

Many thanks for your most interesting letter of 9th April¹ on the proposals I put to you as regards the course to be followed in the event of a provincial legislature attempting to secure an investigation into the conduct of troops. I gather from the body of your letter that you agree in substance with the course of action I propose, but that you are anxious if possible to have matter at any rate in certain respects placed on a still more secure basis, and I need not say that I have considered with the greatest care the suggestions you put forward.

2. Let me deal seriatim with the position as I see it in regard to the three points you raise. The first of these is relative to action by the provincial legislature and the second to action by the provincial executive, while the third relates to the form to be given to resolutions of the legislature.

3. I fully appreciate the importance you attach in regard to the first of these points to confining discussion in each legislature strictly to matters that can be described as primarily its own concern. As you know (you will remember that we discussed this matter in Calcutta at the beginning of the year) for reasons both constitutional and practical I have myself consistently attached great importance to each legislature confining itself to those matter which are strictly and primarily its own affair, and I have again gone into the whole position with a view to reminding myself of the trend of the discussions which have taken place and of the precise attitude which has in the past been adopted by the Government of India.

¹ Not printed

4. You ask in your letter whether the view of the Government of India is not open to reconsideration. My immediate impression was that in fact we had always been orthodox in this matter, and the examination of the position which I have now made confirms me in this view. When the Government of India were asked to examine the Draft Bill before it was presented to Parliament, I find that they recommended in terms to the Secretary of State that, on the analogy of the present rules, Federal matters should not be open to discussion in provincial legislatures and *vice versa*, and they emphasized the great danger of friction if one of these bodies was allowed to discuss matters which were appropriately the business of the other. The Secretary of State replied however that he doubted whether it would be feasible to frame a statutory prohibition which would at once adequately ensure that the Federal Legislature should be debarred from discussing provincial affairs and *vice versa* without at the same time unduly hampering legitimate discussion in the central or provincial legislature. And he added that no doubt a governing principle under the new Constitution should be that questions and discussions in any legislature are improper if they relate to matters for which the Government attached to that legislature has no responsibility. But his considered view, and one which we, I gather, felt at the time that we had no option but to accept, was that this matter must be left to be dealt with by the good sense of the Legislatures themselves and of their Presidents.

5. The matter came up again in connection with the preparation under section 84 of the rules for the procedure and the conduct of their business by the new legislatures, the immediate issue being whether a power could as in the previous rules be retained in the Governor in his discretion to disallow resolutions and the like on matters not primarily the concern of the provincial Government. It was clear that a rule to this effect would not be covered by the power vested in the Governor, under the proviso to sub-section (1) of section 84, on certain aspects of the business of the legislature to make rules in his discretion. It remained to consider in what manner the existing rule might be affected by the provision in section 84(3) under which the old rules were carried forward subject to such modifications or adaptations as might be made in them by the Governor acting in his discretion. The Reforms Office, I gather from our file, dealt with the problem on the lines of bringing to the notice of each provincial Government that the field of the Governor's intervention in regard to the disallowance of questions, resolutions and motions had been clearly defined and limited by the proviso to section 84(1) of the Act and the draft rules made under that proviso. But they suggested for consideration that the existing rule giving the Governor power to disallow resolutions, motions, &c., on matters not primarily

the concern of the provincial Government might be retained with the substitution of the Speaker for the Governor as the authority competent to disallow. The construction in fact so placed on the statute by the Government of India seems to me to have been a reasonable one, and that being so, while I need not say that I wholly appreciate your object in retaining the power in the Governor, I cannot help feeling some doubt as to whether the position in Bengal during the interval until the legislatures frame their own rules, will, in view of possible difficulties of using the power you have retained, be so entirely water-tight as we should both desire. But I need not say that I am heartily in agreement with you in hoping that in the final rules to be made on its own authority by each Chamber this provision may be retained with the substitution of Speaker for the Governor as the deciding authority. The intention of my letter of 25th March was not of course in any way to suggest the desirability of allowing latitude to a provincial legislature in dealing with matters outside its sphere, and all I had in mind was to point out the difficulties which I saw in the making by the Governor under the provisions of section 84 of a rule debarring such discussion.

6. I now turn to your second suggestion—that the Governor-General, should occasion arise, might, under section 126(5), take action to prohibit a provincial Government from instituting enquiries into the conduct of troops. On this point however I am advised that section 126 could not appropriately be used for this purpose. In our view, which I understand you to accept, the use of troops, as is seen from its specific exclusion from item I of the provincial list, lies within the executive authority not of the provincial but of the central Government. An order under section 126 is with reference to use of the executive authority of the Province in the sense in which that authority is defined in the Act; and were we to use the section to prohibit a provincial Government from holding enquiries into the conduct of troops operating in aid of the civil power, the effect would I fear be to destroy our own position that such enquiries lie outside the executive authority of the Province. I would prefer therefore to adhere to the general position that a provincial Government could not be censured by its legislature for a failure to take action which in fact it has no authority to take.

7. I was much interested in your last point as regards the form of resolutions. I quite agree that for the purpose of our present discussion, this change of form is immaterial. But I think it may be argued that so far as the immediate matter at issue is concerned, it would make it even easier for the Governor to take no action where the opinion expressed related to a matter outside the executive authority of a Province. I fully agree as you know (and as indeed I indicated in my letter of 25th March) that in the new conditions of responsible government in the Provinces

the implications of resolutions passed by the legislatures on matters within the limits of ministerial responsibility differ very materially from the implications of such resolutions in the past.

Yours sincerely,
LINLITHGOW

218

Jute Mill Strike: Statement by the Indian Jute Mills Association (Extract)

The Amrita Bazar Patrika, 29 April 1937

The following official statement on the strike situation has been issued to the "Associated Press" by the Indian Jute Mills Association:

There appears to be some doubt in the minds of the public as to the reasons for the present jute mill strikes. It has been said that it is difficult to discern where the economic differences end and where the political agitation starts.

From 1932 until the 1st April 1936 the Mills in the Indian Jute Mills Association worked 40 hours per week. On the 1st April 1936 changes in the working hours took place and with gradual increases the working hours have been increased to 54 hours per week, which is the limit permitted for single shift working under the Factories Act.

... The Mills have paid for 54 hours in strict ratio to the wages paid for 40 hours which was the working week prior to 1st April 1936. From this it will be seen that from August the earning capacity of all workers has increased by 35. It cannot, therefore, be argued with any justification that the strike has a real economic basis as it is evident that even during the 40 hours per week working period their earnings were sufficient for their economic needs. Otherwise labour would surely have protested long before the expiration of the restriction period.

... Before the end of last year activity was begun by various labour candidates to put themselves forward to represent labour in the Legislative Assembly. The election resulted in Communists capturing the labour seats and they are now the accredited leaders of the Jute Mill workers. These Communist leaders put forward extravagant promises to the Jute Mill workers which promises they could not possibly fulfil. An outline of the promises and the connection of the so-called leaders with communism can be taken from the electioneering pamphlet of Mr. Sibnath Banerjee.

WHAT DO THE LABOURERS WANT?

(1) Permanent Post, (2) Lowest salary to be Rs. 30 per month, (3) Free Quarters, (4) Provision for old age (Provident Fund and Gratuity), (5) Leave with pay for a month and one month's sick leave yearly, (6) Free Medical help, (7) Unemployment relief, (8) Dole during unemployment, (9) Job for relatives, (10) Free education for children of the labourers.

"Friends, if we are to have the above grievances redressed, we must make, on the one hand, all the Labour organisations more powerful, and on the other, to see that the real labour representatives are sent to the Council. If we try both ways, the Bengal Government will be compelled to admit the demands of the labourers as legitimate. . . .

Propaganda, during the election time, was on the same lines as this pamphlet and the subsequent pamphlets which have been circulated amongst the Jute Mill workers are also on similar lines. These bear the usual communist slogans such as "Workers of the world unite", etc. Having succeeded in capturing the labour vote these leaders were required by their constituents to implement the promises made to the workers. Their reply was that if strikes were carried out the workers would gain all their demands. Such strikes then started in the Howrah area beginning with the Fort William Jute Mill and spreading to Howrah and Ganges Mills. This strike started on 1st February and after a 25 days stoppage the workers returned to work unconditionally.

SPREAD OF STRIKE

When the strike in the Howrah area finished opportunity was taken to start strikes at Budge Budge. The strike rapidly spread in that district until all the Yule Group of Mills in the Budge Budge area and all Mills South of Calcutta were closed down with the exception of Fort Gloster North and Birla Mill. . . . From the Southern Mills areas the strike fever spread North of Calcutta until all the Mills from Hukumchand to Khardah have closed down. Not only have that Jute Mill workers been compelled to go on strike but the Britannia Engineering, Eastern Manufacturing Co., Gourepore Paint and Gourepore Welding Works have also been compelled to close down.

On the other side of the river Wellington Mills have been closed for sometime and political interference has prevented a settlement.

Consequent on the success of the strike on the Barrackpore side the agitators and their satellites have now got busy on the Rishra side and owing to their adopting intimidating methods all the Mills are now gradually closing down.

. . . There are at this present moment 36,900 looms idle representing 65 per cent of the total loomage of the Indian Jute Mills Association.

ASSEMBLY DEBATES

The adjournment motion moved in the Bengal Legislative Assembly on the 8th April, 1937 on the question of maintenance of law and order in the strike area produced speeches from the Congress benches and labour members, which left no room for doubt about their attitude to revolutionary movements and intention to create unrest.

It is contended that the foregoing statement of facts conclusively proves that this Jute Mill Strike is not economic but purely political with the workers being exploited for communistic political purposes only, which have as their object the complete overthrow of ordered Government.

The Mills give direct employment to over a quarter of million workers and surprise has been expressed that, when so many of the workers are willing to work a jute mill is unable to carry on. A jute mill is divided into departments. Each department is inter-dependent and if the workers in any department go on strike the whole mill must close down. From this it will be seen that it only needs a small percentage of hands in any one single department to be won over by the strikers in order to necessitate the closing of the whole mill.

It must be understood that "no" demands have been put forward by the workers, but their Communist leaders have seen fit to stress the "pitiful conditions under which the workers live". It is not generally realised that in fact very real amenities are provided for the workers by the vast majority of mill owners. Such amenities include "pucca" cooly lines for which purely nominal rents are charged, free water, free lighting, and free medical attention for workers and their families. Many mills have for a considerable time paid generous maternity benefits to their women workers and in this connection it is interesting to record that the payment of maternity benefit is one of the demands now put forward by the strikers. A Maternity Benefit Bill applying to industry generally which is now under consideration by the Government of Bengal, will simply give force of law to what the vast majority of the Jute Mills have already granted to Labour of their own free will.

The demands now put forward are not the genuine demands of the workers, 95 per cent of whom have always been and are still content to continue to work happily.

219

*Memorandum of Secretary of State to the Cabinet on Political
Situation in India**Cabinet Papers, No. 23/269*

29 April 1937

In a memorandum C.P. (106) 37¹, dated 31st March, I explained to my colleagues the events leading up to refusal by the Congress Party to form Ministries in the six Provinces where that Party had obtained a majority in the Legislature. On 8th April I dealt with this matter fully in the House of Lords on a Motion by Lord Lothian. I explained then in some detail why it was impossible for any Governor consistently with the duties imposed upon him by Parliament to give a general undertaking that he would never use his special powers to set aside the advice of his Ministers, and I expressed my inability to understand on what grounds Mr. Gandhi had thought fit, in a statement which he had broadcast to the Press on 30th March, to assert that the assurance sought from the Governors was one which they might easily have given and would have involved no more than acceptance by them of a position which had frequently been anticipated as the normal position by "Sir Samuel Hoare and other Ministers." This statement by Mr. Gandhi had not unnaturally produced much bewilderment both in India, and in some quarters here, and suggestions had been made that, since there had evidently been misunderstandings as to the scope and intended effect of the Congress office-acceptance formula, it was desirable that the Viceroy should make some move which would enable these misunderstandings, and with them the obstacle to acceptance of office by the Congress, to be cleared away. In that connection I used these words in my speech in the House of Lords:—

"It has also been suggested in connection with the present situation, that the Viceroy should send for Mr. Gandhi in the hope, presumably, of persuading him to modify the attitude towards the acceptance of office which at his instance, the Congress have taken up. I confess that I find it difficult to see what purpose would be served by such an action on his part. This is, after all, a question of the Governments in the Provinces under a system of Provincial Autonomy, an outstanding feature of which is the relaxation of control by the Centre, and as I have already explained, the Governors in the Provinces have already taken the initiative by inviting the representatives of the Congress to

¹ See No. 152.

form Ministries. It is the Congressmen themselves who have declined, and unless they wish to modify the attitude which they have taken up there is obviously for the present no more to be said. On the other hand, if their decision has, indeed, been due to a genuine misunderstanding of the constitutional position of the Governors, and if Mr. Gandhi, or anyone else representing the Congress, recognising now the real constitutional position as I have tried to explain it this afternoon, was to express a desire in these altered circumstances to see the Viceroy, I have little doubt that the Viceroy would approach the request with every desire to reach an understanding as to what the position of the Congress leaders in the Provinces actually is in the matter. But it is clearly for those who have been under a misapprehension, if such indeed be the case, to say so."

2. Since I made that speech Mr. Gandhi has given to the world through the Press three further pronouncements. The first of these, which appeared in the Press on 12th April, had reference primarily to a letter to *The Times* by Lord Lothian which had been published two days before the Lords debate, but in it Mr. Gandhi also alluded to my speech. While admitting his ignorance of the contents of the Government of India Act and of the Select Committee's Report, Mr. Gandhi maintained that his advice to the Congress to accept office only on the assurance demanded from the Governors was based upon legal opinion "that the Governors could give this assurance without infringement of the Act," and he suggested that the matter should be put to the test by referring to an arbitral tribunal of three Judges (one to be appointed by the Congress, one by the Government, and the third to be co-opted by the other two) the question of the competence of the Governors to give the desired assurance, and the further question whether the appointment of "minority ministries" was legally valid.

3. The second statement was issued on 16th April² and had reference to a second letter to *The Times*³, in which Lord Lothian had expressed surprise that the Congress should attach so much importance to formulae and assurances, and had laid stress on experience elsewhere as showing that in the last resort the Indian electorate must inevitably be in a position to decide whether a policy which had been proposed to a Governor by his Ministers, but which he had refused to endorse, was to be put into effect; since the Governor would, in practice, have to decide whether it was better in the long run for the peace and good government of his Province to attempt to resist by means of his special powers a policy which *ex hypothesi* had been endorsed by the return to power after a dissolution of the Party which had originally proposed it, or to accept

² See No. 196

³ Not printed

the verdict of the electorate, and in many cases he would almost inevitably accept the latter as the lesser of two evils. Mr. Gandhi's reply to this theoretical constitutional thesis was to interpret it as a concrete suggestion that all differences between a Governor and his Ministers should be made the occasion for a dissolution and an appeal to the electorate and, as such, he gave Lord Lothian's "suggestion" a qualified blessing as offering a possible way out of the *impasse*.

4. Finally, on 22nd April, Mr. Gandhi gave an interview to the *Manchester Guardian* correspondent in which he is reported as having said that the assurance sought from the Governors meant "only an assurance of non-interference in day-to-day administration," but that a Governor in a grave emergency would have "to dismiss a Cabinet if it persisted in committing a stupid blunder and to order fresh elections where the Cabinet had the support of a majority of the Legislature."

5. The effect of these three statements and of the voluminous discussions round and about them in the whole of the Indian Press has been to deepen the impression previously held that there are misunderstandings which are capable by tactful handling of being cleared away. It has accordingly been urged upon me from more than one quarter that no considerations, whether of prestige or otherwise, ought to stand in the way of some move by the Viceroy towards Mr. Gandhi and/or his Congress colleagues which might result in removing misconceptions and arriving at understandings on the basis of which the Congress might be in a position to reconsider its position and permit its followers to accept office. Those who take this view contend further that, if nothing is done in this direction, the Government would be open to grave criticism as having mishandled the situation if the Congress were to decide, for instance, that the deadlock is complete and that the answer to it must be a renewal of the civil disobedience movement. Accordingly, though the Viceroy and I had agreed immediately after my speech of 8th April that we were not called upon to make any move in order to facilitate the extrication of itself by Congress out of its self-created difficulties—if that indeed is what Congress desired—and that our policy should for a time at all events be to wait upon events, I nonetheless put to him on 23rd April the other point of view and asked for his opinion.

6. The Viceroy is emphatically of the opinion that it would be most impolitic for him to take any initiative for the present in the direction of conferring either with Mr. Gandhi or the Congress leaders on this matter. He is confident, despite the general view to the contrary canvassed in the Press in India and elsewhere, that the inner caucus of the Congress (including Mr. Gandhi) were perfectly aware when they pressed the Governors for the undertakings sought from them in each of

the six Provinces that they were asking the Governors to do something which they could not do. It is indeed a fact that, in the course of informal and confidential conversations which took place between Lord Erskine and Mr. Rajagopalachari, the Madras Congress leader, before the undertakings were asked for, the latter was clearly and definitely informed that it would not be possible to give such undertakings; and it can be safely assumed that Mr. Rajagopalachari passed this on to Mr. Gandhi if not to the rest of the Working Committee. Consequently the Viceroy feels strongly that there is no hope, if negotiations were to be entered upon, of arriving at any understanding which would be acceptable to the Congress on the basis of acceptance by them of the Constitution Act with all its implications, and that if negotiations were entered upon and were to result in agreement by the Congress leaders to permit their followers in the Provinces to accept office, this agreement could only be on a basis of some undertaking which would, in effect, involve a renunciation by the Governors of some at all events of the duties and powers imposed upon them by Parliament. (That this view is justified is confirmed by statements made by Mr. Gandhi to the correspondent of the *News Chronicle* and published in the issue of 27th April.) Obviously it would be unthinkable that negotiations should be opened with any such possibility in view. But, apart from this, the Viceroy is confident that any move in the direction of attempting to meet the Congress point of view would seriously disturb the Services, civil and military, would greatly alarm the Princes, would undermine the position of the Ministries now functioning in those Provinces where there is not a Congress majority (to say nothing of the minority Ministries holding office in the Congress Provinces), and would immediately raise the prestige of Congress, which has already been much enhanced by their success at the recent elections, to such a pitch that it would cease to be a political party and would be regarded by the country as a whole as the master of India.

Perhaps I should add here that the Viceroy does not suggest that a stage in the developments in connection with this matter may not be reached in the future at which discussion between him and the Congress may not become desirable, but his own instinct, as he put it in a recent telegram to me, is "very strong aversion from it at this stage."

7. On the other hand, it is only right that I should inform my colleagues that the Viceroy has made it plain to me that in his opinion if the decision is, as he urges that it must be, to take our stand on the strict interpretation of the Act and to refuse to parley on possible mitigations of its effects and intentions in the matter of "safeguards," we must be prepared to face the possibility of a crisis of a grave and persistent nature and a period—perhaps prolonged—of much anxiety. Should the

Congress decide to adopt and launch a renewal of the civil disobedience movement, he feels that the grip which it has secured over the rural population in large parts of India would almost certainly enable it to make such a movement far more effective and troublesome than it was on the last occasion, and that the combination of widespread disturbances in India, with possibly large-scale trouble on the North-West Frontier, would provide very serious possibilities. Nonetheless he is convinced that, with the support upon which he is counting from His Majesty's Government, even these formidable possibilities can be faced with equanimity. Although he sees no sign at present of any split in the Congress under the pressure of events, he thinks that the supporters of Congress in the Provinces will inevitably find some way of escape sooner or later from the *impasse* which Mr. Gandhi and Mr. Nehru have created for them, and he is firmly of opinion that this possibility is more likely to arise the more plainly the Congress is given to understand that it is useless for it to expect any willingness on the part of the Viceroy or His Majesty's Government to whittle down the effect of the Constitution as provided by the Act of 1935, whether by amendment or by undertakings having substantially the effect of amendment.

8. I have set forth above briefly, but I hope clearly, the very emphatic opinion of the Viceroy as to the attitude which we should adopt in face of the present deadlock. Let me add the reasons which have led me to a similar conclusion.

It is admittedly difficult to know what Mr. Gandhi really has in mind. He is undoubtedly primarily concerned at the present time to prevent a split in the ranks of the Congress. He is an adept at evolving formulae which can be interpreted in one sense by one set of people and in an opposite sense by others. It was by the drafting of such a formula that he staved off a split in the Congress when the question of office acceptance was under consideration in March, but the inevitable result of his ingenuity was that those who believed that they had won the day and were free to accept office found that they had been sold. The reports which I have received from the Governors point to two things, firstly, that there was genuine surprise and considerable dissatisfaction amongst those who were anxious to take office when they discovered that they had been sold, and secondly that the hold of the caucus over the rank and file of the Congress is very great. Which of these two influences—the dissatisfaction of Right Wing Congressmen or the hold of the caucus—will prove the strongest in the long run it is impossible to say; but it is clear, I think, that any gesture by the Viceroy such as an invitation to Mr. Gandhi or Pandit Nehru to discuss the position with him would, by adding to the prestige of the caucus, increase still further its hold over the rank and file. It is, therefore, very desirable that before

contemplating any such approach by the Viceroy, we should consider the real aim which those who at present control the Congress have in view. I have given reasons for believing that Mr. Gandhi knowingly sold the Right Wing of the Congress over his formula on office acceptance. If this is, in fact, the case, his action can only have been due to the fact that in his attitude towards the Constitution he is in closer accord with Pandit Nehru than with the Right Wing of the Congress. And Pandit Nehru's object is quite frankly, and, let me add, quite honestly, stated by Pandit Nehru himself. He has never attempted to disguise his intention of doing everything within his power to prevent the scheme of government embodied in the Act of 1935 from functioning, and in pursuance of his object he has never ceased from inveighing against the acceptance of office by Congress. It would seem to follow, then, that in so far as Mr. Gandhi favours the acceptance of office, if at all, he does so in the hope of wrecking the Constitution from within; and his anxiety to emasculate the Act by undermining the reserve powers vested in the Governors becomes intelligible. He has, in fact, admitted this in so many words on more than one occasion.

9. It is in these circumstances that I have supported the Viceroy in his rejection of the suggestion that he should send for the leaders of the Congress with a view to discussing the difficulty which they have found in accepting office, involving, as any such action on his part must necessarily do, discussion of the safeguards to which the Congress object. If my reading of the situation is correct, the present deadlock can only be brought to a satisfactory end by the inner Council of the Congress giving up the idea of wrecking the Constitution, of which I see no likelihood, or of the Right Wing of the Congress breaking away from the tyranny of the caucus.

10. I shall be glad of the approval of my colleagues in the policy which I am pursuing. I am most anxious to see that section of the Congress which is not out to wreck the Act take office in the six Provinces in which they command a majority. I consider that this purpose will be best served, not by attempting negotiations at the Centre which would be bound to resolve themselves into a question of concessions on points of substance, but by exploiting any opportunity that may occur for contacts between the Governors and the Congress leaders in the Provinces; the issue being one of provincial autonomy this is the constitutional point of contact, and it is also in my opinion the point at which contact has the best chance of leading to practical results.

11. Since writing the foregoing paragraphs I have received news of the resolution adopted by the Congress on 28th April.⁴ It may be noted

⁴ See No. 216

that the Congress do not in their resolution burn their boats or issue a challenge. Nevertheless, it shows no signs of compromise and it confirms the view of myself and the Viceroy that the difference between us and those who are dominating the Congress policy is one which could be resolved, not by any explanations of a conciliatory nature, but only by substantial concessions such as we could not possibly contemplate.

ZETLAND

220

Zetland to Erskine on Parleying with Gandhi

Erskine Papers

INDIA OFFICE, WHITEHALL
30 April 1937

Private

MY DEAR ERSKINE,

This is just a line to thank you for your letter of the 20th,¹ which I have read with great interest and with equal satisfaction. It has reached me at a very convenient moment, for it is probable that the Indian problem will be under the consideration of the Cabinet next week and all that you say in your letter gives me valuable support in the policy which Linlithgow and I, in complete agreement, have been pursuing.

I have read with great interest what you tell me with regard to the actual elections and I can quite understand that the coloured box system of voting was turned to their advantage by ingenious members of the Congress. I have had reports to the same effect from other provinces. It is, however very satisfactory to know that little sedition was noticed in the course of the election campaign.

The account which you give me of your negotiations with Rajagopalachariar confirms the view which I have taken of Gandhi's action from the time when the All India Congress Committee dispersed and instructions came down to the Congress leaders in the provinces from the Inner Council of the Congress. I feel sure that what you say as to the un wisdom of parleying with Gandhi is sound. My view is that the

¹ Not printed

Congress have for once been too clever and that they have succeeded in consequence in getting themselves into a real mess. I see no reason at all why we should do anything to help them out of it. If I thought that Gandhi was really sincere in a desire to see the Constitution properly worked by the Congress, I might take a different view; but all past experience has shown that the only result of parleying with Gandhi has been a whole crop of subsequent trouble. After all, Parliament inserted the safeguards in the Act, after prolonged deliberation, for specific purposes and I am sure that the only thing to do is to stand firm on the letter of the law and to refuse to be inveigled into any maze of words which we have never intended committing ourselves to.

I am delighted to find you writing in such good spirits and to know that you are in no way worried by the present deadlock. Like you, I hesitate to prophesy as to the future. Matters of this kind in India so often work out quite differently from what one would expect and it seems to me quite possible that there may be a considerable revulsion of feeling against the Congress if they continue to adopt an attitude which prevents them from discharging the responsibilities which they had incurred to their constituents....

Yours very sincerely,
ZETLAND.

221

Tagore's Upholding of Jute Workers Demands as Reasonable
(Extract)

The Amrita Bazar Patrika, 30 April 1937

Dr. Rabindranath Tagore has issued the following appeal through the United Press in connection with the Jute strike:—

It has deeply grieved me to learn of the suffering of hundreds of thousands of jute workers who have struck work since February last. This is causing misery not only to the workers themselves but also to their women and children. The demands for higher wages and for more humane conditions of work are just and reasonable. In every democratic country of the West the Government looks after welfare of the people. May we not expect that the Ministers under the new constitution would take up this question, affecting the lives of hundred of thousands of workers and their families immediately and see that justice is done to them. Humanity demands that those who bear the burden of the society

should be protected and looked after by the society itself. To give this strike a communal turn by stirring up ugly communal passions should be condemned by every right thinking man....

222

Appreciation of the Political Situation in India Submitted by the Secretary of State to the British Cabinet (Extract)

Cabinet Papers, No. 24/267

30 April 1937

On April 1st the new constitution came into effect 11 autonomous provinces and Burma ceased to be part of the Indian Empire. As was mentioned in the January appreciation, the Congress had resolved to promote a nation-wide hartal or 1 day strike on that day and widespread propaganda has been employed to make it a success. Except in the United Provinces, however, its observance was usually a partial and perfunctory affair and aroused little interest. The Moslems generally took no part in it and such demonstrations as were staged were of a peaceful character. The whole episode illustrates absence of any real feeling in the country as a whole against the new constitution.

The new ministries were ready to take office in all provinces on April 1st. In the 5 provinces having a large Moslem population, non-Congress governments have been formed with more or less stable majorities in their legislatures and have commenced work in favourable circumstances. In the remaining 6 provinces, owing to the refusal of the Congress party to take office where it had a majority, it has been necessary to call on representatives of the minority to form Governments and were forthcoming from the legislatures to accept the responsibility which Congress had declined.

This situation was to a large extent unexpected even among Congressmen. When the so-called national convention dispersed at Delhi in March it was generally understood that the formula which Mr. Gandhi had introduced into the Congress resolution had paved the way for office acceptance. When, however, local leaders of the Congress party were invited by Governors to discuss the formation of Ministries the influence of the Control Board subsequently set up became apparent and each of these leaders in turn expressed his inability to accept Office without a definite and specific assurance that the Governor would make no use of the special powers assigned to him by the Government of India

Act. It was made clear in each case that a Congress Ministry could expect full support and sympathy from the Governor in carrying out its policy but, although time was given for reflection, office was in each case declined in the absence of an assurance which it was constitutionally impossible to give.

It is not necessary to suppose that this result was deliberately planned by Mr. Gandhi or his associates. A loose formula was no doubt intentionally adopted at Delhi in order to avoid awkward questions and to get delegates away without a split.

In subsequently elaborating it into a demand for an assurance from the Governors, Mr. Gandhi, always an expert opportunist, managed to manoeuvre himself into his favourite position where, without definitely committing himself to the views of either wing of Congress, he could himself appear to be in the right in the eyes of his followers... he could claim a constitutional victory which would save the face of Congress in accepting office and pacify the left wing. While it is always possible that in balancing the probabilities Mr. Gandhi may have over-estimated the bargaining power of Congress and the anxiety of the Governors to get Congress majorities to work the constitution at any price, it is difficult to believe that he was under any illusion as to the possibility of an undertaking by the Governors, the effect of which would in fact have been to contract out of the Act. At any rate whether the result has borne out his expectations or not the manoeuvre has been completely successful from his own point of view.

The wrath of his hoodwinked and disappointed followers of the right wing has been diverted against Government and the minority ministries; the left wing is satisfied; and all sections of his followers are now obliged to look to him to find a way out of the impasse into which he has led them.

Meanwhile, the minority ministries are boldly facing their duties and are one by one announcing programmes which in themselves illustrate the scope allowed them by the new constitution. The Congress, on the other hand, are without means of satisfying the hopes they have raised amongst their electors and have little scope for action except by way of misrepresenting the constitutional position and fomenting agrarian or industrial trouble, which may embarrass the new Governments whether in majority or minority provinces. In the meantime, realising the weakness of Congress contacts with the Moslem masses, Jawaharlal Nehru has initiated strenuous propaganda to break the solidarity... of the Moslem League at Lucknow [and it] will provide an opportunity for testing the effects of this propaganda.

In the midst of this political ferment, communal trouble has unfortunately been more in evidence in many parts of India. The recent

coincidence of the Mohamedan Festival of Muharram with the Hindu Festival of Holi, produced a number of difficult situations and some riots. The worst of these occurred at Panipat in the Punjab, where Moslems obstructed the passage of a Hindu procession and a small body of police were compelled to open fire. A number of casualties resulted, but prompt action by the Punjab Government in instituting an authoritative enquiry on the spot averted more serious repercussions. In some places the disputes between the Sunni and the Shia sects of Mohamedans gave trouble during the Muharram, and rioting has occurred in North-West Punjab between Mohamedans and Sikhs. The situation in Waziristan including the border raids in which Hindus have been kidnapped is also lending itself to communal exploitation in Northern India.

Among other difficulties with which the new Provincial Governments will have to deal is the tension between landlords and tenants which has long been fomented by Kisan organisations under the directions of Congress socialists and has locally been increased by Congress propaganda during the elections. During March, matters came to a head in parts of Bihar where the landlords, who have always been supporters of Congress, are noted for their oppressive behaviour. An incisive outbreak of lawlessness was averted by the exertions of the District Magistrate who found the tenants. . . . Communist and extreme socialist influences are also active in promoting industrial unrest and have attained some success in Calcutta where strikes, not regarded as genuinely economic in character, have been in progress in many of the jute mills since the beginning of March and have now rendered 33 mills and 1,023,000 operatives idle.

Apart from these disturbing factors the country as a whole is peaceful and the great constitutional changes which have recently taken place have caused no general excitement. Even in Congress, which relies for support largely upon the stabler elements of the population, there is little indication of any desire to precipitate a clash with authority. The new ministries therefore take office in a tolerably calm atmosphere and while in the minority provinces it would be unwise to count at this stage on the prospects of their being able to consolidate and maintain their Parliamentary position in the face of Congress opposition it may be hoped that the constructive programmes with which they have immediately busied themselves will gain them a substantial degree of confidence and support in their provinces.

223

*Lothian to Birla: An Advice to Congress to Abandon the Idea of Getting Pledges (Extract)**Lothian Papers*

30 April 1937

Confidential

DEAR MR. BIRLA,

Your cuttings and letters have been most useful. I have not written to you more often because the situation has been continuously changing. Further it is extraordinarily difficult from here despite your letters and cuttings, to understand the precise position in India. Even to-day the British Press carries very little complete information of the Congress Committee's decisions at Allahabad.

My view, as I wrote to the Mahatma and have repeatedly stated in the press here, is that it is really a mistake to try to solve the problem by any form of assurances or pledges. We have had much experience already in India of the charges of bad faith which undertakings or pledges of this kind invariably lead to on both sides. I can understand, therefore, the reluctance both of the Viceroy and the Congress leaders to go to a meeting if the purpose of this meeting is to try and arrive at a formula as to how the special powers of the Governors are to be used. Such a meeting, unless it was successful, might do more harm than good. I have throughout believed that from every point of view the right course for Congress to adopt is to take office, produce their plans, pass them through the Legislatures and then challenge the Governor to interfere.

The Constitution gives them far more power than I think Congress realises, so long as they have public opinion and the electorate behind them. Unless their proposals are very dangerous or very foolish, in which case they would probably lose the support of public opinion, and ought to be stopped, as the Mahatma admits, it is extraordinarily difficult for any Governor under the system of responsible government to use his special powers, whatever they may be, even when he is entitled to do so. The initiative and the primary responsibility is with the Ministry, and when that is combined with the support of public opinion, it is an extraordinarily powerful lever. That is why the system of responsible government has always led steadily to full self-government. It is the method of getting round the very kind of difficulty we are now up against.

On the other hand, the real safeguard against extreme action is not the special powers of the Governor but the fact that in formulating their proposals Ministers have had at their side experienced civil servants who can advise them as to their practical effect, and that their proposals have to survive public criticism in Parliament before they are presented for the Governor's signature. This means that the inevitably wild and probably impractical ideas which arise from popular electioneering, especially in a largely rural electorate usually emerge from the legislature in a reasonable and practical form.

Therefore my advice to you, as it is to everybody I see, is that you should try and get Congress to abandon the whole idea of getting pledges, but to turn out the temporary Ministry, take office and pass their plans through the legislatures. . . .

224

Chief Secretary's Report on Political Events in Bihar During Second Half of April 1937

Linlithgow Papers

The Chief Minister and his colleagues have spent much of the past fortnight on tour. The Hon'ble Mr. Yunus visited the Tirhut Division where he was able to arrange for the extension of the period for which the sugar mills would accept cane for crushing. Though there has been some difficulty in making the mill-owners keep their promises, it is recognised generally that the situation has been greatly alleviated by his efforts. He subsequently visited two centres of communal trouble in the Patna and Gaya districts. The Hon'ble Minister for Local Self-Government has just finished an extended tour in Chota Nagpur. The Ministry have announced the policy which they intend to follow in various important matters. Apart from the action taken to relieve the sugar cane situation, they have announced that nearly all the local bodies which are at present under suspension will be restored. A lengthy communiqué has just been issued announcing the intention to take immediate action to afford facilities for the reduction of rents which have been enhanced during the period of high prices and to deal with the problem of rural indebtedness. This early announcement of these measures, which are undoubtedly in accordance with responsible public opinion, has strengthened confidence in the Ministry, though the principal newspapers continue to display a carping attitude. It has also

given a useful object lesson in the extent to which a Ministry under the Government of India Act is free to pursue its own policy.

2. Congress activity has not been very marked during the fortnight. A number of district political conferences have been arranged at which leaders will speak and put forward the Congress view on the office acceptance question. A draft letter addressed to His Excellency has been circulated for the signatures of Congress M.L.As. asking His Excellency to convene an early meeting of the legislature; and copies of the letter signed by 13 members have reached His Excellency. The recent proceedings of the All India Congress Committee at Allahabad indicate that an attempt will be made to hold a dummy session of the legislature. Government propose to refuse the use of the Council Chamber and its committee rooms for this purpose if such a request is made. Some attention appears to have been devoted by Congress leaders to the problem of attracting Muslims to their side, but no very serious action has been taken in this connection. Meanwhile splits have developed within the Congress Party in Darbhanga and Saran. In the former district the Socialists and Kisans show a tendency to separate from the orthodox Congress Party. The development of friction of this kind is not unexpected, but in all probability the usual result will occur and the ranks will be closed when an emergency arises.

3. The series of lectures organised by the Socialist Party in Patna fell rather flat. Originally it was to have been opened by Pandit Jawaharlal Nehru, but in the end only two outside lecturers came and the organisers had to fall back on a local Socialist, Mr. B.P. Sinha, whose audience dwindled to 20 before he had finished his lecture. Swami Sahajanand has spoken seldom during the past fortnight and has announced his intention to take a rest for two months in the hills. His relations with the Congress group have not improved. He paid a visit to Barhiya in Monghyr and afterwards invited a number of Congress M.L.As. to discuss the compromise effected by Babu Rajendra Prasad in that locality and to visit the area. The proposal fell through as only one M.L.A. was willing to join in this enterprise. It is evident that Babu Rajendra Prasad's influence in this matter is still superior to that of the Swami, though whether the former can effect a lasting compromise is a matter of doubt. The Swami appears to be working against the Orthodox Congress leaders in this matter and there is some indication that he is using his influence to prevent any compromise. If this is the case, it is significant of the real object of his movement. The situation in Monghyr is at present fairly quiet, though some friction is developing in the bordering tracts of the Patna district. In this area a patwari was murdered at Chero on the 18th of April, and in Gaya a petty zamindar was waylaid near Goh and brutally murdered. These two murders, both of which can

probably be attributed in part to the feelings aroused by the Kisan agitation, in conjunction with the murder of a zamindar in Jehanabad last month, are significant state of feeling in the areas where the Kisan Sabha has been working. Unfortunately there seems little chance that any evidence will be obtained in the Goh murder.

4. Serious development occurred during the fortnight in the communal situation. The situation at Bhue in Patna district was described in the last report. A week later a chance quarrel at a large Mela at Deo in the Gaya district led to widespread looting Muhammadan stalls in the Mela and some 60 Muhammadans received injuries. This caused the Mela to break up, and as parties of Hindus were passing through Aurangabad, some nine miles from there, they were assaulted in the Bazar by local Muhammadans and the latter attacked several of them before order could be restored. Instances of communal friction occurred at the same time in various other parts of the Aurangabad subdivision and it was clear that feelings had reached danger point over a wide area. The Hon'ble Mr. Yunus visited Aurangabad on the Id. He found that the principal matters which were keeping up communal tension were the fact that the images which figured in the October riots at Aurangabad were still immersed and that the mosque at Aurangabad had not been repaired. He called together representatives of the two communities and succeeded in arranging a compromise by which Hindus would take the images in procession past the mosque while he undertook to arrange for the repair of the building. The state of local feeling can be judged from the fact that though only a few hours' notice was given and attempts were made to discourage too large a crowd, fully ten thousand Hindus gathered for the procession. Mr. Yunus was successful in keeping the Muhammadans within their houses and he himself took post at the side of the mosque while the procession, which was armed with lathis and spears, filed past. He was in a position of grave personal danger, but everything passed off successfully and it is stated that a lasting settlement of the communal differences at Aurangabad has been reached. As a consequence of this compromise the accused in the pending cases arising out of the October riots are being dealt with leniently and it is likely that the new cases will be withdrawn.

During the fortnight Ram Navami processions in various places gave rise to communal tension, but there was no actual clash.

5. No action has been taken under the Press Act during the fortnight and no further action has been taken under the Public Safety Act. The usual statement is appended.

W. B. BRETT,
CHIEF SECRETARY

225

*Rafi Ahmad Kidwai on Communal Campaign (Extract)**Independent India, 2 May 1937*

A smashing reply to the misleading communalist campaign has been given by Rafi Ahmed Kidwai. In a statement to the press he writes "The old divisions are fast disappearing and new ones are replacing them. In the twenties communities were religious communities, Hindus, Muslims, Sikhs and Parsees. Today, they have been replaced by class communities namely, *taluqdars*, *zamindars*, *kisans*, employers, employees, manufacturers and consumers. Those who worked in the villages during the last election know that a Muslim *kisan* is as much interested and affected by the Congress agrarian programme as a Hindu *kisan*, and it is but natural. If we enact the hereditary rights law, will it not benefit the heirs of Muslim tenants? If we fix 8 hours a day for labour, will it not give relief to Muslim labourers? We are not convening any conference of representatives of religions to evolve a solution of the Hindu-Muslim problem, because we think that the existence of such a problem is due to the exploitation of religious antagonism by people who count in both the communities."

226

*Nehru's Circular for Non-Participation in Coronation and other Imperialist Functions**AICC Papers/F.No. P-1/1937**2 May 1937*

I have to draw your attention, and request you to draw the attention of all Congressmen and others, to the Faizpur Congress resolution on non-participation in the coronation and other imperialist functions. When this resolution was passed there was a possibility that such celebrations might be organised on a big scale in India. But, probably because of the Congress attitude and the Congress victory in the elections, this has been abandoned. There will now be only some minor official celebrations and illuminations of a few official buildings. Nonetheless Congressmen should remember and should remind others

that it is derogatory to our dignity and against the policy of the Congress to take any part whatever in coronation functions, whatever they might be.

JAWAHARLAL NEHRU

227

*Zetland to Linlithgow: Reports to Cabinet about Congress Attitude
(Extract)*

Linlithgow Papers

INDIA OFFICE, WHITEHALL, LONDON

3 May 1937

... Now I come to our friend Gandhi once more. I have circulated a Note to the Cabinet¹ justifying the policy which we have been pursuing and asking authority for continuing it. I have had several talks with Edward Halifax and I think that he is now inclined to acquiesce, though reluctantly, in our handling of the situation. But I fully expect that in the course of the discussion in the Cabinet he will state his view—though he may not press it unduly—which so far as I can judge is broadly as follows—that we are not attaching sufficient importance to the psychological aspect of the case: that a stone-walling policy shows a lack of imagination and will get us nowhere; that while a strong case can be made out on purely logical grounds for such a policy, most people's actions are not governed by reason but by sentiment and that this appreciation of human action is applicable with special force to Indians of the type of Gandhi. I should be the last to deny that there is a good deal of truth in all this; and I am quite prepared to believe that if, as a result of our policy, Gandhi has eventually to climb down, he will be so bitter that he may devote the whole of his energies to a crusade among the masses aimed at our destruction. But there are other psychologies besides that of the Congress that we have to consider. I have talked this matter over with Willingdon and Horace Williamson and I am as convinced as you are of the deplorable effect which any sign of weakness on our part would have, not only on the Services, but also on the vast number of Indians who are sitting silent on the fence waiting to see which way the cat is going to jump. The account which both of them

¹ See No. 222

gave me of the state of demoralization of the Services after the Gandhi-Irwin conversations was highly illuminating. And it is true, I think, as Williamson put it, that experience shows that every discussion between Gandhi and a Viceroy has been followed by a crop of trouble.

On the other hand, I propose to tell the Cabinet that you and I have no desire to do anything which could be interpreted to mean that we are anxious to make it impossible for the Congress to take office; and that we will see that no opportunity of re-opening conversations with the leaders of the Congress in the Provinces is allowed to slip unheeded by the Governors. This will, I hope, go far to reassure those of my colleagues who are inclined to regard my attitude as being one of unduly—to borrow Snell's phrase—"stiff correctitude". In this connection do you think that there is any definite step which might be taken, not necessarily by all six Governors simultaneously, with a view to detaching the more reasonable Congressmen gradually from their allegiance to the caucus? In my Note to the Cabinet I have said that in my view "the present deadlock can only be brought to a satisfactory end either by the Inner Council of the Congress giving up the idea of wrecking the Constitution, of which I see no likelihood, or of the Right Wing of the Congress breaking away from the tyranny of caucus". And it occurs to me that in Madras, for example where some at least of those who were returned on the Congress ticket are only Congressmen in name, something might be done to sap their present solidarity. I have no doubt that you have had this possibility constantly in mind and I dare say that you have addressed the Governors in this sense. It would certainly help me at this end if I could say that you had done so. Much importance is attached by some sound judges over here to the maintenance of personal contact especially where personal relations are cordial as appears to have been the case in most if not all of the six Provinces. I share this view myself as I doubt not you do also. I shall, of course, let you know how the matter goes in the Cabinet. . . .

228

*Khare's Circular Summoning C.P. Legislators on Governor's Failure to Convene Assembly**M.S. Aney Papers, F. No. 5*NAGPUR,
3 May 1937

DEAR FRIEND,

It is proposed to hold a meeting of all the members of the C.P. and Berar Provincial Legislative Assembly at Nagpur on Tuesday, the 11 May. As leader of the Majority party, I have the honour to invite you to the meeting and considering its importance, I hope you will make it convenient for yourself to attend the meeting.

A peculiar situation has arisen out of the Governor's refusal to summon the Provincial Assembly before the six months, which have been ostensibly provided in the Government of India Act to be employed in extreme cases. Section 65 of the Act insist on calling of the Assembly as soon as may be after the inauguration of the Constitution. This does not contemplate any internal delay in the matter. At present there is no cause for delay except that of shielding the dummy ministry from people's true representatives.

The Governor's action is, thus, not only unconstitutional and unjust, but it is an autocratic abrogation of the rights of the legislators and the voters who have backed them up in vast numbers. The electorate has a right to question its representatives about the promise they made during elections, which the Governor's autocracy has prevented from being substantiated. The legislators should lose no time in demonstrating their true intentions to the electorate, which, I believe, can be effectively done by the proposed meeting of the Assembly members.

You are no doubt conscious of the fact that you approached your constituency on the plank of same policy and programme. You do not represent merely your own individual but the vast masses who live on nothing but hope and whose condition is hourly deteriorating for want of relief. The Governor has flouted the will of those millions by preventing you from functioning legitimately. By all provisions Provincial autonomy contemplated vesting of authority in the legislature of which you are a constituent unit. It is your duty and responsibility, whatever your party affiliation, to counteract the unconditional high-handedness of the power that be.

There is another gross breach of our rights against which we have to protest. After the refusal of the Congress to accept offices the Governor has set up a ministry which hardly represents a party and which decidedly does not enjoy the confidence of the legislature. Besides being a fraud on the constitution, it is an impertinent insult of the legislators. I may also, be allowed to say that persons who have grabbed the ministerships have betrayed the national interests and have shown an unpatriotic anxiety to carry on the King's Government. We cannot regard them as anything but henchmen of exploiting imperialism.

In the light of these remarks, I am confident, you will realise the urgency of attending the proposed meeting. You will have, then, taken part in upholding the decided verdict of the vast masses whom you are privileged to represent.

N. B. KHARE

229

Nehru Supports Jute Mill Strike in Calcutta (Extract)

Amrita Bazar Patrika, 4 May 1937

Alluding to the present strike Pandit Jawaharlal said that the very fact that over two lakhs of people were involved in it was a thing which could be ignored by none. For the moment the strike might be confined to jute mill areas round about Calcutta but they must realise that it was merely symptomatic of the labour conditions in India. They must also realise how it was influencing the whole labour movement of India and thus the other fundamental problem of India, the agrarian problem. And both the agrarian and labour problems were connected together.

Placing the demands of the strikers before the meeting Pandit Jawaharlal said that he had carefully gone through them and found it very difficult to understand how any person could characterise these demands as unjust and unreasonable. To his mind the demands were eminently reasonable. It had been stated that even Mr. Fazlul Huq, the Prime Minister, at one stage of the negotiations with strikers admitted that the demands of the strikers were reasonable. The Whitley Commission¹ which came to India 8 or 9 years ago, also, as they all

¹ The Whitley Commission was appointed by the Government of India in 1929 to enquire into the labour problems. It had recommended standardisation of wages, provision for education of workers and their children, etc.

knew, recommended most of the things which strikers were now demanding. He recalled the opposition which labour had to face in the early nineteenth century from the mill owners in England and said that with regard to the present jute strikes the mill-owners had adopted the same attitude. What did all this indicate? It pointed out that they were afraid of the labour movement in India. But he thought if public opinion in India strongly supported these demands of the strikers and if the public come forward to help them with money it would be quite impossible for either the present or the old Government to resist their demands.

Criticising the statement which Mr. H.S. Suhrawardy, Minister for Labour, had issued in the evening Pandit Jawaharlal observed that it was childish to say that the present strike had been engineered by a handful of agitators and it was being sought to give a political colour to a question which was predominantly economic. . . . Ministers in this province who secured their elections to the Provincial Legislative Assembly profusely swearing by their solicitude for redressing the grievances of the masses were now behaving in a manner which showed that voices of downtrodden millions did not reach their high pedestal. Or else, enquired the speaker, how could one account for the astounding *volte face* of the Bengal Premier Mr. A.K. Fazul Huq who after having declared the demands of the strikers as legitimate only some weeks back, should now turn round and condemn the strike leaders as mere political agitators inspired by influences from Moscow.

I should like to put two simple questions to the Premier. The first is this. Have you the power to deal with these matters? If you claim that you have not got that power to deal with these matters then my answer is that these being vital matters concerning thousands of people, what earthly good will you be doing by continuing to occupy these ministerial *gaddies*? . . . That is a question that you can legitimately put to him.

Proceeding Panditji said it was because of this that the Congress had demanded an assurance from the Governors that there would be no interference with the work of the Minister, before Congress accepted office. And they all knew that because that assurance had not yet been given the Congress had not accepted office. If the Congress had accepted office they would have functioned as Ministers and would not be mere helpless people with whom they could only sympathise. If Mr. Fazlul Huq on the other hand said that he had power to deal with these vital problems then why was it that he did not interfere? That was the question he would like to put to the people of Bengal.

Concluding Pandit Jawaharlal said this jute strike is important in itself. It is important because it is symptomatic of the labour struggle. It is important because it becomes a part of our freedom movement. And I want you all to help it with money and otherwise.

230

*Indian Civil Liberties Union on Release of Political Prisoners (Extract)**AICC Papers, F. No. G-8/1937*

4 May 1937

A full month has rolled by since the inauguration of the new constitution. In five provinces we have fully responsible ministries and in the remaining six interim ones. They have blazed no new trails as far as the cause of civil liberties is concerned. The outlook appears to be rather dismal.

The statement recently made by Mr. R.A. Butler, Under-Secretary of State for India in the House of Commons on the subject of the release of political prisoners places the entire responsibility on the new provincial governments.¹ Butler said that "since the commencement of part 3 of the Government of India Act questions regarding the release of prisoners under detention were now matters for the decision of the provincial Governments concerned". The problem of the release of political prisoners long detained without the benefit of a regular trial is an all India one.

The Interim Ministry in Bombay has also been tried and found wanting. Mr. Indulal Yagnik, General Secretary, All India Kisan Sabha approached the new Bombay Government for a cancellation of the unjust order passed in February last year externing him from Panch Mahal, Broach, Surat and Kaira districts and forbidding him either to attend or address public meetings in Ahmedabad district. He has been informed that the order could not be rescinded. The order, therefore, will continue to remain in force for an indefinite period.

The demise at Bandra last Sunday of J.M. Adhikari, brother of Dr. G.M. Adhikari of Meerut conspiracy fame, is a sad commentary on the life of the detenus. It is one more example of the callous attitude adopted by provincial governments towards political detenus.

There is a very similar case reported from Bengal. Rajni Kanta Pramanick, B.L., Pleader of Tamluk since his internment has been ailing from a kind of colic pain. Government have been consistently refusing permission to allow him to go to Calcutta for X-ray examination in spite of the recommendation of the physician and the report of the Police Officer. . . .

¹ Mr. Butler made a statement in the House of Commons on 19 April 1937.

231

*NWFP Governor's Report on Coalition Ministry and Role of Congress
in the Province (Extract)*

L/P & S/5/22

4 May 1937

[CONFIDENTIAL]

3. There have been no developments of any particular interest in the internal political situation. For some days after the close of the first session of the Provincial Assembly the Congress party lost no opportunity of boasting of their success in the election of the Deputy Speaker, and of criticising the Government for arranging a programme which, for lack of time, did not admit of a motion of no confidence being discussed. They maintain that they would have been able to defeat the Ministerial Party in any controversial matter. A number of political meetings have been staged but with hardly an exception they have resolved into discussions on tribal policy. The chief efforts of Congress are still directed towards seducing from the present coalition a group sufficient in number to supply Ministers and to form a clear majority in the House with the assistance of the Congress vote. Dr. Khan Sahib has announced that he would support the formation of a Cabinet from a central party formed in this way, and has proposed the names of Khuda Bakhsh and Pir Bakhsh, Independents, and Rai Bahadur Ishar Das, one of the Hindu-Nationalist group. He himself appears to be relieved that the Congress decision against acceptance of office has given him an excuse for evading responsibility in these difficult times.

4. At the same time there are signs of some disagreement in the local Congress ranks. At several meetings their speakers have predicted that the Democrats are likely to join the Ministerial Party. If this happens the position should become more stable, but I feel the Democrats are more likely to split among themselves than to give their support as a block. Another matter on which Congress Members appear to disagree is the selection of a candidate for the seat vacated by Dr. Khan Sahib in the Central Assembly. There is a general disinclination both among the Ministerial and the Congress Parties to incur the necessary expenditure, when the existing Assembly may last only for another year or so. The result will possibly be the nomination of an Independent candidate acceptable to both parties, as in the case of the choice of the Speaker in this Province. Dr. Khan Sahib is being pressed to nominate a Hindu, as

no member of this community has yet been given this opportunity of representing this Province at the Centre; if he accepts this request he will alienate some of his Muslim followers, if he ignores it he may anger his Hindu protagonists. In any case, neither party has started any election preparations though the nomination of candidates is fixed for May 11th.

5. The Ministers have settled down to make the most of the interlude. They realise that they must give definite shape to their policy and produce some measures which will be of substantial benefit to the people. They have a number of sound schemes under examination. It is satisfactory to note that the Ministers appreciate the importance of publicity. They are making a determined effort to counter the propaganda of the Opposition. It seems particularly important at this stage to remove some of the effects of the intensive Congress propaganda that preceded the elections; and it appears that there is now some chance of making headway, as the local Congress Party have relaxed their rural propaganda despite the instructions received from the All India Congress Committee.

6. A question which will before long become acute is the matter of legislation to make permanent the present Public Tranquillity Act. This Act was passed in November 1933, and is valid for five years from that date. If the Act, therefore, is to be made permanent, or extended for a further period, legislation will be necessary in the Budget session in August or September. It will not be an easy task for the Ministry. Notice has already been given by an Independent Member of a Bill to repeal the Act; and it is significant that another Member of this group has been condemning the present Ministry for not taking up the question of the restrictions placed on 'Khaksars' and other political workers under the provisions of the Act. The most important application of the Act at the moment concerns Abdur Ghaffar Khan, who is externed from the Province under this Statute. I have noticed occasional mention lately, at the meetings of Ex-Red Shirts and other Societies of an unfriendly kind, of the possibility of Abdur Ghaffar Khan's return to the Province. Meetings of pro-Congress Hindus have passed resolutions supporting his return, and suggesting that Government might let him come back at the Coronation. It is difficult to say what the attitude of Ministers will be on this question if, as is likely, it is brought up in the Assembly next session. In the meantime, we shall have to consider very carefully our line of action.

7. It is interesting to note that "Martyrs' Day" was not celebrated on April 23rd, in commemoration of those who lost their lives in the riots of 1930 in Peshawar City. The local Socialist Party endeavoured to enlist the support of the Congress to commemorate the occasion suitably, as has been done in previous years, and the failure of the Congress to co-operate has caused considerable resentment among the Socialists.

232

Nawab of Chhatari's Reply to Pant's Invitation to Attend the Legislator's Meet

Sapru Papers

4 May 1937

I have your kind invitation to attend a conference of M.L.A.'s on May 9 at which it is proposed to record a protest at His Excellency the Governor's not summoning immediately a meeting of the Assembly, as has been done in other provinces.

It is true that some of the legislatures have been summoned to meet, but only in provinces where the majority party, either on its own strength or in coalition with other parties, has accepted office. The main consideration in favour of this postponement which appeals to me is that it gives a chance to the majority party to reconsider its decision and to explore all possible avenues of ending the deadlock. In the best interests of the country it is to my mind unwise to unduly precipitate matters.

I have already in my statement emphasised the fact that on the verdict of our people at the polls it is your right and privilege to form a government; and I shall at all times be ready, and indeed anxious, to make room for you whenever you decide to take up the burden of office. Under the present circumstances, however, unless your party can see its way to take upon itself the duty of forming a government, I do not think that the elected members will be allowed to render effective service to the constituencies at meetings of the legislature.

I hope therefore that you will understand the reasons for my absence as well as of my colleagues from the conference which you have convened.

233

Discussion of British Cabinet on the Importance of Close Contact Between the Governors and Congress in Provinces (Extract)

Cabinet Papers No. 23/88

5 May 1937

3. The Cabinet had before them a memorandum by the Secretary of State for India (C.P.-124 (37)) outlining events that had occurred since the Meeting mentioned in the margin in connection with the refusal by

the Congress party in India to form Ministries in the six Provinces where that Party had obtained a majority in the Legislatures. The Secretary of State supported the Viceroy in his rejection of the suggestion that he should send for the leaders of the Congress with a view to discussing the difficulty they had found in accepting office, as such discussions would be bound to resolve themselves into a question of concessions on points of substance. The Secretary of State was anxious to see that section of the Congress which was not out to wreck the Act take office in the six Provinces: considered that this purpose would best be served not by attempting negotiations at the Centre but by exploiting any opportunity that might occur for contacts between the Governors and the Congress leaders in the Provinces, the issue being one of provincial autonomy: and sought the approval of his colleagues to the policy he was pursuing.

The Secretary of State for India made a statement in elaboration of his memorandum. The position was one of some potential danger. In five of the Provinces a Government was functioning successfully under the new Act. In those Provinces far-reaching programmes were being worked out, and hitherto the Governors had given no indication of interference, though it did not follow that they might not have to interfere later. In the other six Provinces the Government had no Parliamentary majority, and when their Legislatures met at the end of six months the probability was that they would be defeated. Nevertheless, in these Provinces also the Government were at work on advanced economic and social programmes. Meanwhile, in anticipation of the end of the six months period, there was much manoeuvring by Congress. Mr. Gandhi had suggested arbitration on the question of competence. Congress had ignored his own statement in which he had pointed out that if the Governors had conceded what was asked they would have been betraying minorities and other interests which depended, in the last resort on their powers. It had then been suggested that the Secretary of State for India should repeat an assurance that was alleged to have been given by Sir Samuel Hoare when Secretary of State for India. Sir Samuel Hoare's statement had been misrepresented. What he had actually said had been repeated by the Secretary of State himself in the following passage:

"I gladly repeat what has been said on many occasions by my Right Hon. Friend Sir Samuel Hoare and by many others, namely, that there is no reason why the reserve powers of the Governors should come into play. Whether they do or not must, of course, depend upon the policy and proceedings of the Ministries themselves and it is in a spirit of cordial co-operation with and of sympathetic understanding of the position of the Ministries from whatever Party they may be drawn

that the Act will be administered". (Parliamentary Debates, House of Lords, Vol. 104. No. 53 Cols. 80-1)

That speech, which had been intended to be conciliatory had been criticised as unsympathetic. To have attempted to produce a formula which could be regarded as conciliatory would have involved the use of phrases which would have been interpreted in one sense by one Party and in another sense by another. Such a course was ambiguous, dangerous and dishonest. He had gone to the limit of conciliation in a reply given by the Under-Secretary of the State for India in the House of Commons (Parliamentary Debates; House of Commons, Volume 323, Column 243: 26 April, 193):

"I observe, from a recent statement made as to the intention of the Congress resolution that the main apprehension appears to be lest the Governors should use their special powers for detailed interference in the administration. Let me make it plain that His Majesty's Government have no intention of countenancing a use of the special powers for other than the purposes for which Parliament intended them. It is certainly not the intention that Governors, by narrow or legalistic interpretation of their own responsibilities should trench upon the wide powers which it was the purpose of Parliament to place in the hands of Ministries and which it is our desire that they should use in furtherance of the programmes which they have advocated".

The retort by Congress to this conciliatory gesture was to describe it as utterly inadequate and discourteous.

The above had direct bearing on further suggestions that had been pressed on him from many quarters that the Viceroy should send for Mr. Gandhi. Here again, the critics conveniently ignored statements by Mr. Gandhi to Press (1) that he would not approach the Viceroy and (2) that he would not see the Viceroy if sent for for the reason that this was the affair of Pandit Nehru who was the President of Congress. Before the Viceroy could send for Pandit Nehru, however, it behoved him to see if there was any ground to form a basis for discussion. There was no such ground, as Pandit Nehru's attitude was defined in a Resolution of the previous December, which had been outspoken in its criticism of the present Indian Constitution and of the intention of Congress to "put an end to this bogus Act of Parliament". There was, therefore, no ground for discussion between the Viceroy and the President of Congress. He had been told that in taking up this line he was ignoring the psychology of Congress and that a meeting between the Viceroy and Mr. Gandhi would enable them to evolve a formula which would enable Congress to "walk through the door" (a door which was already wide open) to the assumption of office. A well-meaning quaker had spent an hour impressing this upon him. He agreed that such a meeting would have a

profound psychological effect though not precisely of the kind that his quaker friend anticipated. He warned the Cabinet that the Indian Civil Service and other Services and the Minority Governments in the five Provinces as well as a host of silent Indians who disliked intensely the extreme policy of Congress but dared not say so openly and finally, the Princes were watching the situation closely. The Viceroy had warned him that if he were to yield to Congress the adhesion of the Princes would be thrown back for a decade. He then read letters that he had received from several Governors of Provinces on this subject, all of which urged that there should be no weakness in the matter of the Governors' reserve powers. While sharing their view he had thought it desirable to put the views of those who favoured sending for Mr. Gandhi to the Viceroy, and he had embodied the gist of Lord Linlithgow's reply in his memorandum. The reply amounted to an emphatic rejection of the idea and he hoped that his colleagues in the Cabinet would give him their support for the policy he was pursuing. The Secretary of State added however, that he leave the Cabinet under no illusion. It seemed inevitable that sooner or later we should come into conflict with the Left Wing of Congress. Possibly the firm stand we were now taking might bring it about sooner. He himself had set forth the Viceroy's view on this point in his Note. The Viceroy had warned him that he might have to take action against Pandit Nehru with great rapidity. Recalling the title of one of the war books ("Mr. Sritling Sees it Through") he said that if a clash came the Government would have to see the situation through.

The First Lord of the Admiralty agreed in the general conclusion reached by the Secretary of State for India. It was impossible for the Cabinet to force the Viceroy to see Mr. Gandhi and Pandit Nehru against his own convictions. He recalled, however that the situation need not get acute until September. After that month Supply would come to an end in six Provinces, and the Governors would have to declare a breakdown of the Constitution in those provinces. It was conceivable that something might happen in the interval. The elements of the Right might break away from the elements of the Left in Congress: but this had been prophesied before and had never happened. In the meanwhile he thought it very important that the Governors of Provinces should maintain contacts with Congress in their respective Provinces should maintain contacts with Congress in their respective Provinces. He suggested that, subject to the final discretion of each Governor himself the Cabinet should advise them to keep close contacts with moderate Congress people.

The Chancellor of the Exchequer agreed with the Secretary of State for India and the First Lord of the Admiralty. He pointed out, however, that it was undesirable to have trouble with Congress and on the

North-West Frontier simultaneously. If very firm action was taken now it might bring trouble on sooner before the difficulties on the North-West Frontier had been surmounted. He agreed with the First Lord that the present dispute was in the Provincial sphere and should be kept in that sphere.

The Secretary of State for War referred to the serious reaction which any weakness in handling the internal situation in India was liable to have on the North-West Frontier.

The Secretary of State for India agreed to the importance of close contact between the Governors and Congress in the Provinces notably for the reason that the developments in the situation varied in different parts of India. He had already suggested to the Viceroy that he should ask the Governors to maintain such contacts and to take advantage of any opportunity to improve the situation. He agreed also that the present difficulties should be kept as far as possible in the provincial sphere. He agreed with the Chancellor of the Exchequer that care must be taken to avoid precipitating trouble during the difficulties on the North-West Frontier. In making contacts it was necessary to avoid a weak compromise. He proposed to make a statement in the House of Lords on the morrow and he intended to make quite clear that there was no risk that the Government would weaken.

The Cabinet generally approved the policy set forth by the Secretary of State for India in his Memorandum C.P.-124 (37) and in his verbal statements summarised above.

234

Gandhi to Carl Heath on Ending the Deadlock

Lothian Papers

SEEGAON, WARDHA

5 May 1937

DEAR FRIEND,

I have been much too overwhelmed with work to answer your letters and your cable though they have all been attended to. I know that Agatha Harrison has been keeping you in touch with things as they are shaping here. Everything possible to bring about peace is being done but it is not an easy job. My special contribution, therefore, is negative. The Congress leaders have, in my opinion, been acting with greatest restraint in

face of grave provocation. I should have no hesitation in seeking an interview with Lord Linlithgow under ordinary circumstances but at the present juncture, if I made any such attempt, it would be wrong. For the right person to interview the Viceroy is naturally Jawaharlal Nehru. But he has no faith whatsoever in seeking such interview because he thinks that nothing good can come out of them. Nevertheless if he were invited he would certainly go. I am myself considering ways and means of ending the deadlock in an honourable manner. And if I can find it in me to approach any of the responsible people you may depend upon my not standing on dignity.

I prized your letter written by you to me just before your departure for England. I wanted to send you a line before embarkation but it was not possible and I was sorry. But that letter revealed to me with what care you had been labouring during your stay in India to bring about a better understanding.

Yours sincerely,
M.K. GANDHI

235

Patel on Congress Plan of Action in Congress Majority Provinces¹

AICC Papers, F. No. 1(a)/1936-37

CONGRESS HOUSE, BOMBAY
5 May 1937

DEAR FRIEND,

As the policy of the Government in the various Provinces, in which the Congress commands a majority, is now definitely fixed, it is necessary for us now to start our plan of action. In all these provinces 'bogus' Ministers which have been styled as Interim Ministries have been formed. The ostensible object is to allow some time, for a reconsideration of the situation created by the refusal of the Congress Party to form Ministries consequent upon the refusal of respective Governors giving the requisite assurances. the Anglo-Indian Press which with one voice welcomed our Delhi formula, have suddenly changed their front with remarkable rapidity and unanimity. Some of

¹ Patel, as Chairman of the Parliamentary Sub-Committee issued this circular to the leaders of the Assembly Congress Party in the Provinces.

them now have started appealing to the Congress leaders for reconsideration of their attitude. It is the usual way of preparing ground for throwing blame on the Congress for the break-down when they see that the Government have made up their mind the other way. The Congress has nothing to reconsider. It keeps no secrets and its policy has been open and above board. It is also unlikely, that the Government will now reconsider its position, as from the uniform nature of the answers given by the different Governors it appears, that their policy has been dictated from the Whitehall. Under the circumstances there are two alternatives left. (1) the Governor suspending the Constitution by a proclamation and taking over all the responsibility of administration on himself at the end of six months. (2) Before the expiry of the period of six months the Legislatures may be called, when the Ministry is bound to go, unless, in the meantime, these Ministries succeed in reducing the strength of the Congress Party, so as to make their position stable. The first course is most unlikely. It is also highly unlikely that the ministry will succeed in any Province in breaking the Congress strength to any appreciable extent, if at all. On the contrary, in all probability, the other groups and individuals will join the Congress party in removing those unwanted ministries at the very first opportunity. It is more than probable that the first meeting of the Legislatures will be called in July or latest in August, and it is certain that when these ministries are faced with their respective Assemblies, they will have to go. The Legislatures then in all probability will be dissolved and a fresh struggle of the elections will follow as a matter of course.

Under these circumstances, the Congress Party in the various Assemblies should from now organise its campaign to meet the situation that is likely to arise. I suggest, that a representation explaining a vote of no-confidence in these ministries should be organised in all Provinces and submitted forthwith to the Governors concerned. Signatures on such representation should be secured from all groups and individuals, who are ready to join in such a vote of no-confidence, in addition to the signatures of all members of the Congress Party. No time should be lost in organising such a representation. It should then be published in the press also. This representation should contain a demand for immediate summoning of the Assembly.

2. Provincial Conventions of Congress members in the Legislatures may be organised and there also resolutions expressing a vote of no-confidence and a demand for calling a meeting of the Assembly should be passed and a programme of work for immediately educating the constituencies from which these members have been elected should be drawn up. Intensive campaign should be carried on all over the Province. The voters should be informed of the possible consequences of

the present situation and of the possibility of a fresh election in the near future, so that when the time comes they may be prepared to return the Congress in a greater majority. The Congress organisation should be strengthened and the Congress machinery should be perfected during this interval for a swift and successful election struggle, which is bound to come much sooner than is expected. It must be remembered that when the next election comes there will be very short notice and we must keep our machinery in order from now.

Yours sincerely,
VALLABHBHAI PATEL
Chairman

236

*Hyde Gowan to Linlithgow on Functioning of Ministry in Central Provinces
(Extract)*

Linlithgow Papers

6 May 1937

DEAR LORD LINLITHGOW,

2 There are no signs as yet that the Ministry is becoming more popular, and though it is common knowledge that several Congress M.L.As. are wavering, the Ministers themselves are far from optimistic about any disintegration of Congress. The Commissioner, Nagpur, is interesting on the subject. "I have not come across any attitude of marked hostility towards the present Ministry; but I think the press campaign has had the effect of misleading the public. Many people undoubtedly believe that the appointment of Minority Ministries was an act of doubtful legality, and that the Ministers themselves were unpatriotic in accepting office. There is a curious confusion of thought, which is, I think a relic of the traditional habit of regarding the people as in perpetual opposition to the Government, which is thought of in bureaucratic terms. As one intelligent land-owner of Ameraoti expressed it to me, Mr. Khaparde has been condemned by the people because they say he has gone over to the Government. It is this ingrained attitude of mind which was, I believe, one of the causes of the attitude taken up by Mr. Gandhi and his associates. They felt (rightly) that if Congress

members accepted office, they would become identified with the Government and would lose a certain amount of prestige thereby". Reports from Berar and Chhattisgarh confirm these ideas. But it would be absurd to suppose that the dislike of the present Ministry which has been expressed by non-Congressmen has any constitutional basis. It is due primarily to annoyance that Congress tactics have been foiled by Government, at any rate for the time being.

3. It has been definitely settled that Khare's mock parliament will meet at Nagpur on May the 11th and 12th, an act of discourtesy towards the Coronation which is typical of Nagpur... Incidentally, the search for a meeting hall provided an interesting commentary on the opposition to the exodus to the hills. Khare asked for the University Convocation Hall, which can only be lent for certain specific purposes laid down in a regulation of the Executive Council. A meeting of the Council was called to consider the request, but was adjourned because only four members could be found in Nagpur; and the papers had to be sent to the Vice-Chancellor, who was in Ootacamund. I have just been given a copy of the agenda for the meeting, and enclose it with this letter. Khare's summoning letter shows what manner of man one has to deal with. It does not strike me that any great enthusiasm is being displayed as yet about the meeting, but one can never tell what will happen in May.

4 In its issue of Monday, May the 3rd, the *Statesman* published a cable from its London Office which presumably came from Arthur Moore, saying (1) that officials in India "are doubtful of the wisdom of assisting the Congress to extricate itself from the self-created impasse and think that considerations of prestige on both sides cannot be over-looked"; and (2) the "Parliamentary, as distinct from official, opinion here is most impatient of this attitude and considers that unless the legislatures in the Provinces where the Congress has a Majority are now summoned, officialdom will incur some share of the responsibility for any further deterioration of the situation, and that the spirit of the Act will be falsified". To my mind both these statements are misguided. In the first place I cannot see that any question of prestige is involved. The position of Governors seems to me to be perfectly clear. Whatever Congress jurists may say, we cannot swear away the powers and responsibility given us by the Act. But we have said that we will not use those powers unless compelled to, and Congress know perfectly well that they possess the supreme safeguard, which is the power to force the Governor to a dissolution of the Assembly. These are our bed-rock terms, and the sole question is, are Congress willing to accept office on these terms, or are they not? The Allahabad resolution makes it clear beyond doubt that they are not, at any rate so long as their central executive retains control, and that so far from the gulf having grown narrower, as has been said in

many quarters, it is as wide as ever it was. All through Gandhi's pronouncements one can trace a familiar Indian characteristic—an absence of the spirit of give-and-take, of a sense of proportion, in the ordinary work of the day. Any single instance of the Governor using his discretion or his individual judgement is to be magnified into *casus belli*, and the demand is that no such instance shall ever be allowed to occur. A man who saw Khare on his return from Allahabad reported—"The Congress leaders are waiting for a gesture from Government for accepting offices"; but I cannot imagine what sort of gesture they are expecting.

5. How far Moore's second statement is in accordance with fact I do not know, but I am quite clear that nothing but harm could be done by calling the Assembly to meet now. As Khare's summons to his mock parliament shows, Congress are making a determined effort to prove that it is the Governor's fault that Congress are not in office. But I do not think that this really deceives anybody, and the Assembly should not be summoned until the consequences of Congress' refusal have been brought home thoroughly to the general public. All divisions report that except in extreme Congress circles the refusal to call an immediate meeting has met with no criticism, and that no one seriously expected anything else.

6. D.K. Mehta, a well-known Congressman who is usually sensible, wrote an interesting letter the other day to Khare, in which he says that it would be a mistake for Congress to overthrow the Minority Ministries at once. This would lead to an immediate deadlock and would leave no alternative to direct action. "Being aware of our unpreparedness to launch upon such a policy we had decisively and deliberately chosen to employ the legislative machine or at least its protection to fortify or strengthen organisation by our own conduct. We would be throwing away that chance by compelling the Governors to take immediate action under Section 93. I feel sure that they would not risk another election just at present. This would give us time to gather strength organically outside the legislatures." The writer is correct as regards a fresh election. It becomes clearer every day that, however little the Congress would relish going to the polls again, its opponents would do so infinitely less, and that the only result would be the complete rout of non-Congress elements. Punjab Rao and Ram Rao Deshmukh, two leading Berar Congressmen, told the Commissioner that few people would be prepared to risk their money in a second fight with the winners of the recent contest.

7. Talking of the efforts of Congress to stimulate agrarian agitation, the Commissioner, Jubbulpore, says that a noticeable feature is their readiness to address or interview revenue officials. In his opinion they do

not feel themselves strong enough to fight Government and force it to make concessions. Instead of doing so they pose as representatives of the people for the purpose of carrying their grievances to the ears of Government officers. The reason, he thinks, lies in the fact that the efforts of Government in the last few years to set the cultivator on his feet again by debt conciliation, control of money-lenders, and so on, have produced a real effect and that "for the moment at any rate the item of good-will can be treated as a definite asset in our accounts." The fact is that the affection of the average villager who voted for Congress is little more than skin-deep, and that usually he did so either because of the name of Gandhi or because he was bribed by wild promises. There is no sign at present that Congress has seriously disturbed the villager from his accustomed apathy.

Yours sincerely,
HYDE GOWAN

237

Zetland's Statement on Safeguards¹

6 May 1937

If a quasi-legal formula could be devised to regulate the varied and changing relationship between the Governor and his Ministry, it would have been embodied in the Act. It was just because there was no such formula that it was emphasized again and again in the course of the discussions preceding the Bill that it would be the spirit in which the Constitution was worked that would be of the first importance for its success. It is here that such unfortunate misunderstandings have arisen. In some quarters a great deal more has been read into that part of the Act which imposes certain obligations upon a Governor than it actually contains.

In its most recent pronouncement, the Congress declared that the past record and the present attitude of the British Government showed that without the assurances demanded, a popular Ministry would be exposed to constant irritating interference. This differs so profoundly from the

¹ This speech was delivered by Zetland in the House of Lords on 6 May 1937.

picture of a popular Ministry functioning under the Act as I have always seen it that it is perhaps desirable that I should describe the working of the Constitution in Indian Provinces as I always contemplated it. Since I was a member not only of the Select Committee, but the Round Table Conference, I may claim to know something of the intentions of those who framed the measure and the spirit in which it was conceived.

First let it not be supposed that the field of Government may be divided into two parts in which the Governor and Ministry operate separately at the risk of clashes between them. The essence of the new Constitution is that the initiative and responsibility for the whole Government of the Province, though in form vested in the Governor, passes to the Ministry as soon as it takes office. It will be the Governor's duty to help Ministers in their task in every way, particularly by his political experience or administrative knowledge.

The reserved powers of which so much has been made by the Congress will not normally be in operation; indeed they only come into the picture if he considers that the carefully limited special responsibilities laid upon him by the Act and impressed upon him by the Instrument of Instructions are involved, but even if the question of their use does arise—here is emphasized the spirit in which it was intended that the Constitution should be worked—it would be altogether wrong to assume that a Governor would immediately set himself in open opposition to his Ministry.

That is the last thing in the world that I should either expect or desire. A Governor whose advice and support has been valuable to a Ministry in the conduct of its own affairs will surely be able to lay his own difficulties before them the moment he sees a risk that he and his Ministers may not see eye to eye in a matter for which special responsibility has been laid upon him by Parliament. Just as Ministers can count upon the assistance of the Governor in their difficulties, so could he in his turn rely upon receiving the sympathetic consideration of his Ministers for a difficulty in his own position which, may be, could be met by some modification of their proposals that would not materially affect the Ministry's programme.

In any case a discussion of the matter between men working together for a common purpose is likely at least to secure that points of difference between them are narrowed. It will then be for each having regard to the interests of the Province as a whole to consider whether the points of difference so narrowed and defined justify a break in a fruitful relationship. It would doubtless be too much to hope that occasions will never arise in which neither side can with good conscience give way. But if my picture of the working of Government under the Act is true and if the relations between the Governor and his Ministry are those of partners

in a common enterprise, there can be no possible question of the Governors interfering constantly and embarrassingly in the responsibilities and work of the Ministries.

It is certainly not the intention that Governors by a narrow or legalistic interpretation of their own responsibilities should trench upon the wide powers which it was the purpose of Parliament to place in the hands of Ministries and which it is our desire they should use in the furtherance of the programmes which they advocated. In the working of the Constitution as far as it at present is possible to judge, I find happy confirmation of the picture as I have always seen it.

Both in the Provinces in which Ministries are working with majorities in the Legislatures and those in which minority Ministries are functioning, a bold programme has been drawn up as far as I know without the smallest attempt on the part of any Governor to interfere.

Is it too much to hope that those who have so far hesitated to accept responsibilities of office from mistaken sense of fear least they should be unduly hampered in their tasks will derive reassurance and encouragement from the abject-lesson provided by the actual working of the Constitution in their midst? I need hardly say that I hope devoutly and in all sincerity that it may be so.

238

Haig to Linlithgow on the State of Uncertainty Regarding Congress Intention

Linlithgow Papers

CAMP,
7 May 1937

[Confidential.]

MY DEAR LORD LINLITHGOW,

I am sending my third fortnightly report on political conditions in the United Provinces under the new constitution. The state of uncertainty regarding Congress intentions continues unchanged, even after the Allahabad discussions, and this uncertainty produces a paralysing effect on all the minor interests whose first concern is to avoid being crushed by the impact of more powerful forces, and on the large army of temporizers and self-seekers who do not know which way to turn.

2. I might begin by giving the general impression conveyed to me by the Commissioners whom we had summoned for a conference on the 1st May. We discussed among other things the existing conditions in

their divisions. I think there is no doubt that the rather dangerous elation among Congress supporters of which there were indications in March has died down. The villages are outwardly quiet, and there is no reason to think that the material there is at present in an inflammable state. There are no acute grievances. There are no doubt many things which the villagers would like to obtain and which they are hoping to get through Congress agency, but the pitch of rents with the large remissions granted at the time of the slump still in force is not unreasonable, and on the whole the rabi harvest has been a good one. The grievances therefore are the normal grievances to which the tenants have been long accustomed. There is nothing outstanding on which agitation can be founded. The Congress impression created in the villages by the election still remains very strong. The only propaganda which the villager hears is Congress propaganda. In some areas Congress influence is being kept alive continuously by active work. In others work seems to be in abeyance, possibly owing to some shortage of funds. But in many places the Congress organizations are functioning actively, collecting grievances and trying to take the credit for any remedial action taken by Government. It would seem that at present the villagers in general are still expecting that Congress will grant them the promised benefits. No idea has yet become prevalent that owing to the Congress refusal of office these benefits may not be received. It is being preached sedulously that any benefits that may come from the Government will be extorted by the Congress. This of course is entirely in accordance with the general mentality of the villager. He still looks upon the Government as the authority and Congress as the agitating force whereby Government may be moved to act. The conception of Congress themselves being the Government and able to act on their own responsibility has probably not penetrated very far into village minds, and at the moment I imagine it is not an idea that Congressmen are concerned to spread. There is some tendency, particularly in the east of the Province, for tenants to be backward in paying rent, and there is some talk of their paying only what they can afford. But there are no signs of any concerted or deliberate refusal to pay rent. The tone of some speeches, particularly in the east of the Province, is unsatisfactory, and it would seem that action may be needed for checking them. This matter will have to come before the Cabinet shortly. On the other hand, there are no signs of Congress as a whole desiring to embark at present on any direct action movement. The rank and file of the Congress workers would seem to have their minds still turned towards the taking of office, and what could be achieved by taking office.

3. The main problem that has been confronting the Cabinet during the fortnight is the preparation of its programme, and in particular its

attitude towards tenancy reform. The Revenue Minister, Raja Maheswar Dayal Seth, is a firm believer in pursuing a liberal policy towards the tenants, and he placed before the Cabinet proposals for setting up a committee at once with a view to preparing Bills to amend the Agra and Oudh Tenancy Acts which could be placed before the legislature in August. The proposed terms of reference to the committee which were detailed covered a number of general grievances of the tenants, but the main item was the grant of hereditary rights to statutory tenants. In the Agra Province, where occupancy rights are already very largely enjoyed, this would affect about 25 per cent of the tenants; but in Oudh, where occupancy rights are practically unknown, it would probably affect some 75 per cent. These proposals were approved by the Cabinet who believed that representatives of the landlords would be prepared to serve on the proposed committee. They decided, however, before proceeding further, to have informal discussions with the British Indian Association of Oudh and the Agra Zamindars' Association. These discussions took place at the beginning of the week and were more formal and larger than had originally been contemplated. The British Indian Association representatives expressed themselves as absolutely opposed to any action of the sort at the moment; the Agra Zamindars' Association by a majority agreed to the Cabinet proposals. The objections of the Oudh Taluqdars represented in part that element of backwoodsmen who, while in a state of panic two months ago, now consider that no concessions at all should be made to the tenants. But though the grant of hereditary rights to statutory tenants would be generally disliked by the Taluqdars, a great many of them realise that it is bound to come before long, and appreciate the probability that if I have to take over the administration, a measure of this kind might be carried out by me. The principal objection of men of this mode of thinking is one of tactics. They think that, particularly at the present moment so soon after the elections, any concessions given to the tenants would be generally believed to be the result of Congress action; and it cannot be denied that at present that is the general feeling in the villages. But besides that they are most reluctant to give away anything for nothing. Their argument is that the present Ministry cannot in fact carry through any proposals for tenancy reform, and therefore it is merely a matter of saying what they propose to do; and to say in advance that they are prepared to give hereditary rights seems to them unwise. When the time comes they will be prepared to give way, but they clearly hope that they will be able to strike some bargain and get some compensation. Even if they have to face the Congress, they feel that their position will be stronger in resisting more sweeping proposals if they have not already voluntarily surrendered the principle of hereditary rights. They are in

fact concerned over the tactics of bargaining. The Cabinet felt the disadvantage of not being able to put forward any definite proposals in connection with tenancy reform; but they considered, and in my opinion rightly, that it was out of the question to make proposals which would antagonize the greater part of their supporters. They therefore gave up the idea of appointing any kind of committee, and put a somewhat colourless sentence into their programme which kept alive an examination into the possibility of reform of the Tenancy Acts.

4. The Cabinet's programme, of which I enclose a copy,² was published yesterday. I think it is a good document, and I am told first reactions are favourable. It is of course very highly coloured in the sense that it is suggested that all the ideas and schemes are well on their way to introduction, whereas many of them have only just been thought of and hardly examined. But as a programme for the next five years or so it has considerable merits, and they have endeavoured not to propose measures which would be likely to be beyond the financial resources of the Province or outside practical politics. They have made a great point of the relief of debt in the villages, which they contend, and I think rightly, is a more pressing problem for the villager than the reduction of rent. This is a relief that could be given at the expense of the moneylender instead of the landlord, and as the Bania is invariably a supporter of Congress, this is not only economically sound but good politics. Much may be made of this point later.

5. I wish I could see clearer signs of any development of a party to support the Government or oppose the Congress, or any prospects of party organization. As a Government I think the Cabinet is continuing to work excellently, but they are not gathering to themselves that political support which one had hoped they would be able to command. The idea that they would form a solid nucleus to which other elements would as time went on attach themselves does not seem likely to be fulfilled. The old jealousies, personal and communal, are not far below the surface; and in any case the landlords have no sense of discipline or unity, except in defence of what they claim to be their rights. The latest idea, which perhaps contains an element of soundness, is that instead of trying to start a new party, which means an elaborate paper organisation on the top and a good deal of quarrelling about offices and positions, they should try to start practical work in each district by developing an organisation which would not primarily be a political party, but would be devoted to the promotion of good relations between landlords and tenants. They think of calling it the "Desh Sevak" (service of the country), and the idea would be that each of the seven Ministers would in the next month or so take seven districts and get local people (not

². Not printed

necessarily the wealthy and high placed) who really would be prepared to work, to start such an organisation. This would give them what they badly need, and that is some machinery for putting out their propaganda; and it might also do what is equally required, and that is encourage the landlords to maintain better relations and closer touch with their tenants.

6. The Muslims are at the moment disintegrated and completely uncertain of their policy. This situation has been created partly by the strong bid that the Congress are making for attracting the Muslim masses and partly by the personal ambitions and adroit manoeuvrings of Chaudhri Khaliq-uz-Zaman, who is the leader of the Muslim League Parliamentary Board. The Muslims are frankly alarmed at the Congress attempt on the Muslim masses and fear it may be successful. In the absence of a strong and united Muslim policy some are inclined to wonder whether it is wise to oppose such a powerful body as the Congress. On the other hand, the majority, I believe, are determined to oppose the Congress, and are only waiting for a lead. This they seem likely to get from Jinnah. As for Khaliq's manoeuvres, I shall not attempt any prophecy as to what will be the outcome. His main object is to secure a Minister's post for himself. He has endeavoured to do this by joining the Congress, but I gather his personal reception by Jawaharlal Nehru was not very cordial. He is working at present for a close understanding between the Muslim League and Congress, with the idea that if the Congress come into power, they will have to take a Muslim Minister from the Muslim League. But he has gone so far in the direction of negotiating with the Congress that large numbers of Muslims, including Mr. Jinnah, are seriously disturbed and an important meeting is taking place today in which there will be a trial of strength between Jinnah and Khaliq. This may clear the atmosphere. But the confusion in the Muslim ranks is a definite source of weakness to the Government.

7. The Congress members of the Assembly are holding a meeting on the 9th and 10th May, and have invited all other members of the Assembly. On the whole the non-Congress members seem to intend to keep away, but a certain number have announced their intention of going, professedly in order to argue with the Congress and persuade them to take office.

8. The prospects for the future are wholly uncertain. There is still a fairly widespread belief that the Congress may take office, and that seems to be the definite desire of a great many non-Congress people. The approaching meeting may afford an opportunity for this body of opinion to bring itself to bear on the Congress members. But the Congress will be bound by their all India policy. Meantime, the depressed classes continue to agitate their claim for a post of Minister,

and the Cabinet will be considering shortly whether it might be wise to concede their claim.

Yours sincerely,
HARRY HAIG

P.S.—I am sending a copy of this letter direct to the Secretary of State.

239

Gandhi's Interview to Associated Press of India on Congress Stand

The Hitvada, 7 May 1937

Q. I take it that you had much to do with the latest resolution¹ of the Working Committee on office-acceptance. If so, is there any truth in the suggestion that you have yielded to the left-wingers?

A. As a matter of fact there were no left-wingers and right-wingers this time. The only question discussed was about the form the resolution had to take.

Do you not see that there is very little difference between Mr. Butler's statement² and the Working Committee's resolution?

If that is so, why is there the slightest difficulty about Mr. Butler's instructing the Governors to offer office to the Congress leaders in terms of the Congress Resolution?

Leaving Lord Zetland's speech³ aside for the moment, what is the discourtesy you detect in Mr. Butler's statement?

I have never known a great party, commanding a majority that the Congress does, having such a thing as office thrown at it, and its leaders treated as if they were petitioners. If they were Ministers would they

¹ See No. 216

² Under-Secretary of State for India, addressing the House of Commons on April 26, said: "His Majesty's Government have no intention of countenancing the use of special powers for purposes other than those for which Parliament intended them. It is certainly not their intention that the Governors, by a narrow or legalistic interpretation of their own responsibilities, should trench upon the wide powers which it was the purpose of Parliament to place in the hands of Ministers and which it is desired they should use in furtherance of the programmes they have advocated".

³ See No. 237

have to send applications to the Governors for interviews and run the risk of their applications being summarily rejected? I had thought that in autonomy the Ministers got the audience of their Governors for the asking and often the Governors had to give in to the Ministers where the latter had felt displeased or offended. The British Government know that the Congress is out for complete independence. It seems to me that the British Cabinet resent this attitude of the Congress. If so, they should plainly tell the Congress and the world that they will not tolerate complete independence and should cease to play with the word 'autonomy'. If on the other hand they do not mind natural evolution of India to its destiny, whatever it may be, they must treat the Congress with the consideration, its position demands and disarm suspicion that, owing to their speech and action, is deepening.

240

Zafar Ali Khan to Jinnah on Keeping Muslims Away from the Congress

The Zamindar, 7 May 1937

DEAR MR. JINNAH,

Closely following upon its electioneering success in six provinces, the sudden decision of the Congress to create a split in Muslim ranks and embark on an India-wide campaign to bring the Muslim masses within its fold, has caused grave alarm to people like myself who share with you the conviction that for the Musalmans of India to merge their separate and self sufficient entity in a Hindu-ridden body like the Congress would be a political calamity of the first magnitude. The pro-Congress leanings of the Jamiat-ul-Ulama as also of the Majlis-i-Ahrar have unfortunately strengthened the hands of Pandit Jawaharlal Nehru and his henchmen, who are carrying on the Congress propaganda among Musalmans at break-neck speed and large funds have been set apart for this purpose. The time has therefore come for a united effort to protect the national solidarity of Musalmans from the great danger that lies ahead. A section of our go-ahead intelligentsia with whom I have discussed the situation during the last four weeks, plainly told me that if only we had a platform of our own from which we could preach the gospel of complete independence, there would be no need for us to join the Congress. I believe they are perfectly right. Dr. Iqbal and Malik Barkat Ali are of the same view. Hence the recommendation of the

Punjab Muslim League to the parent body that creed of the League should be the attainment of complete independence for India. A democratised League with a four anna franchise, in immediate contact with the masses, is the need of the hour. Thousands of young men would be ready to flock under its banner and engender an overwhelming force which would inspire all-round respect, and then Pandit Jawahar Lal Nehru would think twice before declaring that in India there were only two powers that really did count: the Britishers and the Congress.

I am anxious to discuss all these matters with you at the earliest opportunity, and should like to be informed when and where it would be possible for you to see me.' I wish you could pay a flying visit to Lahore some time this month where it would be convenient to thrash the great problem in consultation with Dr. Iqbal. I need not remind you that the Punjab is after all the nerve-centre of Indian Politics.

Yours sincerely,
ZAFAR ALI KHAN

241

A.K. Fazlul Huq's Assurance to Jute Mill Workers

Linlithgow Papers

7 May 1937

The present Government has from time to time declared its policy and attitude towards labour. That policy which has been formulated for the welfare of labour will stand whether there is a strike or not. The present strike, however, calls for special attention, as the number is great, the area affected is so vast and the time of duration has already been considerable. The Government on their part have not been slow to realise the seriousness of the situation and have not remained idle. The Hon'ble Minister for Labour has been working unceasingly for bringing about peace. Many of the grievances of the labourers are such as can reasonably be admitted to be genuine. There is no want of desire on the part of the Government to see them redressed. The mill-owners also are not unsympathetic to some at least of the grievances of the labours, e.g., the abolition of bribery. Genuine trade unions will be recognised. These being the circumstances, the continuance of the strike is, in my opinion,

no longer necessary. The employers have assured us that there will be no victimisation for taking part in strike or trade union activities. If a settlement is arrived at and the workers agree to resume work, the chance of a breach of peace disappears and with it the necessity for orders under Section 144, Cr. P.C., the imposition of which has been forced upon the Government by circumstances which Government have all along deplored. The Government are anxious that a peaceful atmosphere should prevail for a satisfactory and speedy settlement of all disputes, and I hope it will be possible to adopt a liberal policy regarding all cases arising out of the strike. Some, however, of the demands of the labourers are such as require careful investigation and negotiation before they can be satisfactorily dealt with. The question of wages is one of them. Then there are the powers of the Sardars and Overseers in the matters of appointments and dismissals, which have given rise to grave abuses. In such and other cases there will be a thorough investigation, which will, I am confident, be satisfactory to all parties concerned.

No Government in India has, before this, held out such assurances to labour. I am of the people, and the cause of labour will not suffer in my hands. Those who genuinely have the welfare of labour at heart should not be slow to come forward to see the termination of the agony which thousands of strikers are passing through. I can give the assurance on behalf of Government that no pains will be spared to help Labour and Capital to settle their long drawn-out disputes and create a better atmosphere for arriving at a lasting solution of labour's troubles. I, therefore, appeal to the strikers and those interested in them to accept these assurances and give Government a chance of helping to give labour its due. I also appeal to the employers to move with the times and co-operate with the Government in its great and difficult task of ameliorating the condition of labour and ushering in an era of goodwill between Labour and Capital.

I am making this statement with the full concurrence of the Hon'ble the Labour Minister, to whom great credit is due for his tireless efforts in cause of peace under very difficult circumstances. On his support and co-operation as well as on those of my other colleagues in the Cabinet, I confidently rely to enable Government to carry into effect the assurances that have been given to the labourers from time to time.

242

Pant to Nawab of Chhatari on Working of the Interim Ministry

Sapru Papers

7 May 1937

Thanks for your letter of 4th inst.,¹ which I have just received on my return from Gorakhpur where I had gone to study the sugarcane situation.

I regret your decision not to attend the proposed conference. It would have given you and your colleagues in the ministry an opportunity of meeting the fellow members of the Assembly and enabled you to place your views before them. I wish you had availed yourself of this occasion in order to ascertain the measure of the support that your viewpoint can receive in the house. You are candid enough to accept that the people have by their verdict recorded at the polls reposed their confidence in the party on whose behalf I had extended the invitation to you. You have also expressed your readiness to make room for us whenever we decide to take up the burden of office. I cannot help observing that your defiance of our wishes in the matter of convening the Assembly while we form admittedly the majority of the accredited representatives of the electorate, does not fit in with this statement.

It is a strange irony that while evincing an anxiety to put an end to the present deadlock, which is due to the Governor's refusal to treat the ministers as his constitutional advisers in an autonomus province, you should have yourself contributed towards its prolongation by accepting office, in spite of your knowledge and realisation of the facts that the party led by you had been badly routed in the election and the candidates set up by you had been almost uniformly defeated by those who now constitute the majority of the Assembly. Do you not think that matters would have been settled satisfactorily long before if you and others had not accepted the position you are occupying in utter disregard of the declared wishes of the electorate and had allowed the majority their inherent right to function in the manner they considered best?

You emphasise that unless the Congress Party form a Government, the "elected members will be allowed to render effective services to the constituencies at meetings of the Legislature", I did not need to be reminded about it. The facts of the situation and the course adopted by you, so much so that you have not even advised the Governor to

¹ See No. 232

summon the Assembly to elect the Speaker and the Deputy Speaker in spite of the mandatory provision of the statute, cannot possibly leave any room for doubt or misapprehension and are too patent to be distorted. But according to all constitutional practice, it is for the elected members themselves to determine their policy or mode of action in the Legislature and obviously this they cannot do unless they are allowed to meet in the legislature. Even from a strictly business point of view is it at all proper that there should be no responsible person in charge of the office of the legislature, and none even to scrutinise the questions of members, or to consider their resolutions, bills, etc. The Assembly office which is and ought to be, controlled by the Speaker, has none, thanks to your refusal to call the Assembly even to regulate its administrative affairs.

I hope you will reconsider your position.

243

Raghavendra Rao to Khare: Refutes the Validity of Summoning the Meeting of the Legislative Assembly

Linlithgow Papers

PACHMARHI,
8 May 1937

DEAR DR. KHARE,

I'm in receipt of an unauthenticated copy of your printed circular letter inviting me to a meeting of the members of the Central Provinces and Berar Legislative Assembly which you have called at Nagpur on Tuesday, the 11th. At this meeting among other items of business it is proposed to elect two members of the Assembly to be respectively Speaker and Deputy Speaker.

2. The only authority who can convene a meeting for the above purpose is the Governor. I do not think you have been well advised in precipitating matters after the very courteous explanation which His Excellency the Governor gave you in his letter for not summoning the inaugural session of the Assembly for the present. In the circumstances I regret I cannot participate in your deliberations.

3. The circumstances in which we formed the Government are now well known. Minority Governments are more common than is commonly supposed. A Government without a majority is as legal and constitutional for the time it functions as one with majority. Your party

chose to contest the elections in accordance with the provisions of the new Constitution and is also admittedly anxious to participate in the proceedings of the Legislative Assembly formed under it. Having agreed to work the new Constitution to this extent it is now inconsistent and unfair of you to seek to escape the logic of the Government of India Act and resile from the next step, *viz.*, acceptance of responsibility for the governance of the province. But if you do not choose to shoulder that responsibility you must be prepared for the consequences which necessarily result therefrom. We are still waiting for you to change your minds in the light of the pronouncements on the constitutional position which have been made by the Secretary of State for India and the Under Secretary of State in Parliament. I'm not inclined to suppose that the Allahabad resolution of the Working Committee on acceptance of offices is final and conclusive and is not to be revised at all.

4. The attitude which you have adopted on the question of the special responsibilities and powers of the Governor tends to prejudice, if not endanger, the true constitutional position. The special powers and responsibilities of the Governors can be subjected to a process of definition and reduction to rules of practice and procedure by Ministers asserting their constitutional powers *ex post facto*. The attitude of your party on this question is, in my opinion, unfortunate and due to a lack of familiarity with the technique of constitutional Government in practice, and one cannot help the suspicion, to a trifle, of inferiority complex on the part of those aspiring to be Ministers which alone can, to my mind, adequately account for the persistent disinclination in Congress ranks to confront the permanent Services and the Governors. After all you know as well as anybody else does that if you assume office there is nothing to prevent you from forcing the hands of the Governor to give in to your views by resignation whenever you feel that he has not acted constitutionally. It is by such examples and precepts Governors and Ministers in the Dominions have laboured to multiply the number of constitutionally governed States all the world over.

5. I regret to note that your agenda is interspersed with condemnatory references to His Excellency the Governor, which, I think, are absolutely unwarranted.

6. In conclusion, I hope and trust that your deliberations will be conducted with dignity and not swayed by passion against those who refused to be imposed on by the dictates of your party.

Yours sincerely,
E. RAGHAVENDRA RAO

244

*Gowan to Linlithgow on Congress Refusal to
Accept Office**Linlithgow Papers*

CAMP,
8 May 1937

DEAR LORD LINLITHGOW,

I have just had another talk with Rao about the future course of events, and think you would like to know the result at once. After the Allahabad resolution Rao fully shares the opinion which I expressed in paragraph 4 of my letter of the 6th instant to Your Excellency that, thanks to the machinations of its central executive, there will be no office acceptance by Congress; and we are both of us coming round to the position that the right way to meet this refusal will be a complete, and not a partial, suspension of the constitution under Section 93. In paragraph 9 of my letter of the 21st of April I told you of Rao's suggestion that the constitution should be suspended partially, so as to prevent it touching the budget or the salaries of Ministers, but that the Assembly should nevertheless be summoned; and though I have little experience of the mind of parliamentarians, it seems probable that this idea would appeal to them on the ground that it would not be right to suspend the constitution entirely until we had given the Assembly a chance to meet, and to show its real temper and intentions.

2. Against this course, however, it must be said that there can be no possible doubt as to the nature of that temper and those intentions; they will be clearly demonstrated in the proceedings of the mock parliament which meets on the 11th. On the other hand, we are coming to realise that to summon the Assembly would be to play the enemy's game in more than one way. The passage from Mehta's letter which I quoted in paragraph 6 of my last letter shows beyond possibility of doubt that what Congress wishes to do is to use the legislature in order to strengthen its position. Mehta is one of the soundest of our local men; and what he says fits in exactly with Gandhi's ideas, as given in paragraph 8 of Ewart's recent report on the Allahabad meeting, which you will have seen. If the Assembly were to meet, it may be taken as certain that it would pass wild cat legislation which I should be compelled to veto and it would then go to the country with a grievance, and with the cry that the Governor had thwarted its attempts to implement its election promises. Personal attacks would also be made upon the

Governor for appointing the minority Ministry and so on; and Rao and I are emphatic in thinking that that short of thing must be reduced to a minimum, if the Governor is to retain the respect and authority which are essential to him for the proper performance of his heavy task. Finally, the Ministers would have to go through a trying and embarrassing ordeal, which they should certainly be spared, if possible, in view of the public service which they have rendered by taking office. In fact, we cannot see that any good would come out of the meeting, while on the other hand it would greatly strengthen the Congress position.

3. There is another consideration which no tactician can afford to ignore—

“Blessed is he who hath his quarrel just,

“But thrice blest he who gets his blow in fust.”

Mehta's letter is not the only source from which we know that Congress is not yet prepared for direct action. And Rao does not think that there will be any serious trouble if we use Section 93 at once—though it is extremely dangerous to prophesy about this in the Central Provinces—and puts 6 months or a year down as the limit which Congress will endure before throwing its hand in. It is a sound speculation that, when the moderate supporters of Congress, especially its new adherents, see that through the fault of their own leaders all the trouble and expense which they incurred over their election has brought them nothing, they will either bring pressure to bear in order to secure a change of policy, or will turn their coats yet again.

4. As matters stand at present, therefore, I am of opinion that some time in July or August the minority Ministry should offer me their resignations (as they are prepared to do) and that I should then send for Khare and ask him definitely whether he will or will not accept office on what I have called “our bed-rock terms” (*vide* paragraph 4 of my last letter). If he refuses, I should then proceed to act under Section 93. When Ewart was staying with me I gathered from him that the Government of India had the necessary proclamations ready drafted.

5. Rao has already told Chattari that he is in favour of the complete use of Section 93, and I understand that this is Haig's view also. I should be very grateful if I could learn Your Excellency's views as soon as convenient. There are a number of things which will have to be worked out, if it is decided that we should act as above.

Yours sincerely,
HYDE GOWAN

245

*H.W. Emerson to Viceroy: Report on Political Situation in the Punjab
(Extract)*

Linlithgow Papers

8 May 1937

The Akali or extremists party of the Sikhs is steadily losing ground. As I have mentioned in previous letters, the success of the Khalsa National Party led by Sir Sundar Singh in the Assembly elections was greater than had been expected, although a good number of candidates were elected on the Akali ticket. The Akali successes would have been fewer had they not used religious funds for the purpose of bribing the electorate. Under the Sikh Gurdwara Act, which was passed about 1925, the control of all Sikh shrines of any importance was vested in special or local committees under the general control of the Shiromani Gurdwara Parbandhak Committee. For years the central committee and most of the special and local committees have been in the hands of the Akalis. The administration of the shrines and the funds attaching to them (which in the case of the more important are large) has been very unsatisfactory, and Sir Sundar Singh's success in the elections reflected to some extent the growing dissatisfaction of the Sikh public. It is an open secret that religious funds were used for election purposes by the Akalis. A complaint to this effect was lodged before the District Magistrate of Amritsar, and since the complaint revealed a cognisable offence, it was taken up by the police. Cases of embezzlement are now under investigation, and there will certainly be enough evidence to produce them in court. The Akali leaders are very perturbed, while the Sikh public are watching developments with the keenest interest. Master Tara Singh, who has been the outstanding figure in Akali circles for some years, is apparently involved in the embezzlements. Whatever the result of the criminal cases may be, the credit of the Akalis will be severely shaken.

Baba Kharak Singh, a very stormy petrel, has just been released from jail after serving a sentence for sedition. He is very fanatical, entirely irresponsible, unrestrained in his language and likes to be always in the limelight. He was largely responsible for the Shahidganj trouble, since the excitement he caused at a critical moment among the Sikhs gathered at Lahore made it impossible for the so-called Sikh leaders to keep their followers under control. He will probably try to cause more trouble, but is likely to bring himself quickly within the mischief of the law.

Congress efforts to capture Muslims continue, but there seems to me to be signs of Muslim feeling hardening against Congress. The controversy between Jinnah and Jawaharlal and the attack of the latter on Fazl-ul-Haq are not helping Congress with the Muslim public generally, although in the towns there is always a certain number of Muslims ready to take any side which will bring them into the limelight. I have heard that the All-India Congress Committee has allotted a large sum for the conversion of Muslims generally to the Congress creed, and that about Rs. 30,000 has been allotted for propaganda in the Punjab. Dr. Alam is said to be the chief agent of the Congress. If this is true, a considerable portion of the allotment is likely to stick in his pocket. . . .

246

Sikander Hayat Khan's Statement in the Assembly on Constitutional Safeguards

Punjab Legislative Assembly Debates

8 May 1937

The Hon'ble Major Sir Sikander Hayat Khan:- . . . I do not propose to enter into a discussion on Constitutional Law, but I venture to point out to my hon'ble friend that the safeguards are an integral part of the constitution and are therefore "within the sphere of the constitutional limit" and their abrogation would be in contravention of the constitution itself. Therefore my contention that if the Congress had put their demand in the form I have suggested, it might have been possible for the Governors to accept it, holds good. All these matters fall within the constitution and the Governors could have in that case said, "very well, so long as you yourself conscientiously and diligently discharge your duty in respect of these matters it would not be necessary for me to interfere".

Diwan Chaman Lal:- There is also the suspicion on the other side that when this point was actually put "within the sphere of the constitutional activities", the British Government did not want the Congress to take office.

(Voice of no, no.)

The Hon'ble Major Sir Sikander Hayat Khan—If I were in the position of the Congress in those Provinces, I would have accepted office and if later the Governor attempted to thwart the Government by interfering unreasonably in its legitimate and constitutional activities, it should not have been difficult to force his hands by constitutional action

even to the extent of precipitating a constitutional crisis. It would have been perfectly legitimate and within the power of the Congress ministries to take constitutional action and achieve the same result without opening themselves to criticisms. (A voice: That is a matter of opinion.) But there is another difficulty inherent in the present Congress formula. Who is going to judge whether ministries were working within the constitution and in accordance with the spirit and letter of the Act? (A voice: The public.) How can they when their representatives are shirking responsibility? I was pointing out, Sir, that that difficulty seems to me to be insurmountable and will remain insurmountable so long as the Act remains as it is and the Congress adheres to its present destructive attitude. After all there must be some one to judge whether the Government was acting within the constitution. The Congress cannot but concede that in the existing circumstances that discretion can only—and must necessarily—vest in the Crown through its representatives. My submission is that they should have accepted office and faced deadlocks. It is inconceivable that if they had vigilantly and scrupulously looked after the interests of the minorities and the Services, and had seen to it that the peace and tranquillity of the Province was not disturbed the Governors would have or could have used the special or emergent powers, and the Congress would have been able to carry out at least a part of their programme and thus redeem their pledges to their constituents. I submit, Sir, that by taking up their present position—and I say so with due deference—the Congress has not played the game by the electorate.

Let me conclude by once again emphasising my own position—the position of the majority party in the Punjab. As I said at the outset, we have undertaken to work the constitution, in spite of its limitations, with a view to bringing the last ounce of good from it in the interests of our Province and our fellow citizens. In this Province, as you are aware, Sir, His Excellency the Governor has acted in fullest accord with the letter and spirit of the Act. Had he acted otherwise, we as the majority party would not have hesitated to assert our rights, within the constitution, to vindicate our position (hear, hear). Before I resume my seat, may I, with your permission read an extract from the statement which I issued on behalf of the Cabinet on the day we assumed office. This is how the relevant portion of the statement reads—

“The Punjab Cabinet is under no delusion as to the nature and extent of the limitations and restrictions which the new Government of India Act imposes on autonomy even in the Provincial sphere. Nevertheless, in pursuance of the clearly expressed wish of the electorate, it has undertaken the task of running the administration and securing the utmost good out of the new constitution. We admit that the

machinery which we have been called upon to work is delicate and complex, but we do not see the wisdom of condemning it without a fair trial. Nor do we believe in flinging in a spanner, deliberately to clog or wreck it. It would neither be fair to the Province nor to our constituents to resort to such tactics. At the same time, we wish to make it quite clear that we will not have the slightest hesitation in reviving our attitude towards the new constitution if, in spite of our best efforts, it proves to be unworkable."

That has been constantly our position and we are determined to adhere to that position. We will not court deadlocks; we will not deliberately create deadlocks, but if deadlocks are unavoidable, in spite of His Excellency the Governor's best efforts and in spite of the best efforts of my colleagues and myself, then we will not shirk deadlocks (loud cheers).

247

*League's Resolution on Conditional Coalition with Congress*¹

Haig Papers

8 May 1937

This meeting is of the opinion that the Muslim League Party in the Legislature cannot and should not join the Congress in its policy and programme of wrecking the constitution but the possibility of cooperation and coalition with the Congress or any party on the basis of work in the legislature upon a programme that may be agreed upon in conformity with the programme of the Board should be explored, provided the Communal Award and separate representation in local self-governing bodies are allowed to stand till an agreed settlement is arrived at between the communities concerned on an all-India basis.

The Board placed on record its complete confidence in the policy initiated and pursued by Mr. Jinnah and assured him of its loyal and unqualified support.

The Board, discussing the mass contact question, appointed a committee of 25 members and desired that within the next three months 25 per cent of the adult Muslim population of U.P. be enlisted as League members.

¹ The above resolution was passed by the Muslim League Parliamentary Board at its meeting in Lucknow

248

*Zetland to Linlithgow on Congress Attitude (Extract)**Zetland Papers*

9 May 1937

....I now return to the matter which can never be far from your thoughts or mine these days namely, the attitude of the Congress. I was very pleased at the way things went in the Cabinet¹. I did not attempt to hide from them the possibility of serious trouble; but I made it clear that in my opinion we should sooner or later be forced into open conflict with Nehru and the whole left wing of the Congress, that we had, therefore, nothing to gain but rather much to lose by attempting to compromise with them over the present issue. In particular I stressed the risk of a landslide on the part of the Princes, the Services and the vast host of silent Indians sitting on the fence waiting to see which way the cat was going to jump. I asked for their support for the policy which you and I in the most wholehearted agreement were pursuing and I recalled the title of a book by H.G. Wells published at the beginning of the war, namely, "Mr. Britain Sees it Through" and warned them that it was a condition of success in the event of their supporting us in a firm policy, that they too should see it through. There was not a dissentient voice. Edward remained mute and only two suggestions were made, one by Sam Hoare and the other by Neville Chamberlain. Sam Hoare urged us to maintain contact with the Congress in the Provinces and to seize any opportunity that offered of persuading them to take office at any time. I replied that I had already been in consultation with you on precisely these lines (see my letter to you of May 3rd paragraph 4). Neville expressed the hope that we would do what we could to avoid an open rupture so long as we have a large body of troops occupied on the North West Frontier. I said that we were fully aware of the importance of this aspect of the case and informed the Cabinet what I had in the House of Lords said the next day and that I would make as conciliatory a speech as I could while maintaining my previous attitude as to the inviolability of the safeguards. That brings me to the debate in the House of Lords on the 6th. Snell was really a hero and made an admirable and helpful speech. I could not help being a little amused to find that his question, though it had appeared only on the other paper the day before, had brought down the old brigades of Diehards in force. Salisbury was

¹ See No. 233.

there, as I judge from his speech, to see that I did not succumb "as Governments in recent years had shown themselves only too ready to do" to the temptation to give ground to the enemy where it is essential to stand firm. George Lloyd chipped in on much the same lines, as my task, therefore, was to stand between Scylla, represented by the sentimentalists, and C. Charybdis, represented by hard-baked reactionaries. I gather from the message from the Simla Correspondent of the *Times* of yesterday morning that what I said has on the whole been well received. And here, Hopie, let me offer you my warmest thanks for cabling me a copy of your message to Brabourne and for your subsequent telegram. The first arrived in sections during Thursday, though not in time for me to study it before I had to go to the House. It was with all the greater satisfaction, therefore, that on reading it though afterwards I found that it contained almost verbatim (!) what I had myself said, a truly a remarkable instance of telepathy and a most gratifying proof of the extent to which your thoughts and mine are running on identical lines. And to crown my satisfaction came your telegram applauding my effort. I am, indeed, grateful to you....

249

Purushottam Das Tandon to the Secretary to the Governor U.P. on Convention's Resolution (Extract)

Haig Papers

10 May 1937

A meeting of the members of the Legislative Assembly, convened on the invitation of the leader of the Congress Party was held yesterday at Bannet Hall. Members of the Assembly not belonging to the Congress Party also took part. I was elected president of this meeting. I forward to you herewith for His Excellency's perusal a copy of the two resolutions which were passed at this meeting. I trust His Excellency will respect the wishes of the elected representative of the people.

RESOLUTION I:

That in the opinion of this House the present ministers do not enjoy the confidence of the people and their elected representatives and their continuance in office in direct defiance of the elected majority is subversive of all principles of democracy and repugnant to all notions of constitutional propriety.

RESOLUTION II:

This House regards the refusal of the Government to summon the Legislative Assembly in order to prolong the life of the present ministry as unconstitutional and contrary to the mandatory provisions of the Statute and calls upon the Governor to convene the Assembly forthwith.

250

*Linlithgow to Zetland for Active Liaison With Congress Members of
Assemblies (Extract)*

Zetland Papers

13 May 1937

.... You know already how grateful I am to you for the support you have given me in the Cabinet and for your admirable statement in the Lords¹, which continues to have a definitely sympathetic press here, and which is welcome as a conciliatory statement of the position generally. I have already telegraphed to you about Sam Hoare's point, and I need not develop it further here except to say again that I have no doubt whatever that Governors are generally most anxious to maintain all possible contact with local Congress elements and that while the difficulties of direct contact may on occasion be substantial, I have little doubt that there is in fact no lack of contact through third parties, and equally that no Governor will lose the least chance of re-opening conversation (so far, of course, as he can do this consistently with his obligations to his minority Ministry) with the leaders of Congress in his Province. My whole policy has throughout been to get Congress to accept office if possible on any terms consistent with the provisions of the Act, and I can say with confidence that has been the attitude of Governors without exception. If it would be the least help to you to quote me to that effect in the Cabinet, I shall be only too glad if you would do so. But I still feel no confidence that we are yet near the stage at which a rift of any decisive proportion is likely to disclose itself in Congress ranks.

You have already seen the suggestions I put to Brabourne and on which I understand he proposes to base his speech he is making tomorrow. I enclose for your information copy of a letter which I sent to Erskine in which I have indicated one or two matters which I think it might be well that he should take an opportunity of developing. I ought

¹ See No. 237

to explain that he came forward to me a few days before the Coronation with a suggestion for an announcement which in my view far too closely linked the Crown with the failure of Congress to take office in Madras and that I told him in reply that I was strongly averse from any such association of the two, and I thought he would do better to drop the announcement he was contemplating making...

251

Hallett's Note to Viceroy on Kisan Movement in Bihar

Linlithgow Papers

GOVT. HOUSE, PATNA, 14 May 1937.

D.O. No. 515-G.B.

MY DEAR LORD LINLITHGOW,

You asked me some time ago for a note on the Kisan movement in Bihar and I now send it to you. My Secretary is sending some spare copies to Laithwaite in case you like to send it on to the Secretary of State. The note is rather long, but I wished to give a complete picture of the different parts of the Province and also to make clear that the tenants on the whole are in a strong position, and that their rights are and have been for many years effectively safeguarded. Though there are some disquieting signs, I am not apprehensive that the movement will develop to such an extent as to be a menace to the peace and tranquillity of the Province. I have referred at the end of the note to the measures which my Ministers propose to take to meet the legitimate grievances of the tenants, and this will I hope have a tranquillising effect. The landholders are of course apprehensive of the future, but the general election and this agitation have made them realise the point to which they have hitherto been very blind that the new democratic constitution has transferred the power to the tenants. Realising this, they are trying to set their own house in order, and I hope that in those estates where feelings are strained, they will do something to re-establish friendly relations with their tenants. In a recent speech in Gaya, I referred to the evils of absentee landlordism and that I hope had a good effect.

Yours sincerely,
M.G. HALLETT

A very good note: many thanks.

L.

[ENCLOSURE TO THE ABOVE LETTER]

[Confidential.]

Note on the Kisan movement in Bihar

The tenantry of Bihar are perhaps in a stronger position than tenants of other Provinces by reason of the fact that their rights were very fully safeguarded by the provisions of the Bengal Tenancy Act of 1885 or even earlier Acts; in particular that Act gave the great majority of the tenants occupancy rights (in Muzaffarpur for example the settlement operations completed in 1899 showed that non-occupancy raiyats were an insignificant class holding about 1.6 per cent. of the area and 2 per cent. of the number of holdings), and also made it difficult for the landlord to enhance the rent to an undue extent. During the last 10 or 15 years there have been prolonged discussions about the amendment of the Act with a view to securing further rights for the tenants, and finally in 1934 an Act was passed giving all occupancy raiyats power to transfer their holdings, subject only to the payment of a small fee to the landlord, and also full rights in all trees on their holdings. This Act thus removed two outstanding grievances of the tenant. As a result of this protective tenancy legislation, agrarian conditions in Bihar before the present period of economic depression did not lend themselves greatly to the activities of agitators. The relations between landlord and tenant were generally good, and except in a few estates where absentee landlords left the administration of the estates to dishonest and ill-paid subordinates, the tenantry were contented.

2. A saving feature of the situation is that in the Province generally and in North Bihar in particular the rents have never been high, nor have they been unduly enhanced. Thus the revisional settlement proceedings in the Saran district terminating in the year 1921 showed that large proprietors, such as the Hathwa Raj and the Bettiah Raj, owning between them a considerable portion of the district, were on good terms with their tenants, and that rents were paid regularly and had generally remained unchanged since the last settlement which had taken place some 15 years earlier. While there were isolated instances of rents running as high as Rs. 22-8-0 an acre, the average rental for the whole district was found to be Rs. 4-7-0 an acre as compared with Rs. 4-5-0 in the previous settlement. Sales in execution of rent decrees were exceptional, and it was further found that in certain villages the Hathwa Raj having found

the rents to be too high had reduced them. There was some friction at the time of the settlement over the question whether certain lands were or were not part of the landlord's private *zirat* in which occupancy rights cannot be acquired, but this was a feature common to settlements in North Bihar and the ill-feeling aroused was temporary only.

3. Conditions in other North Bihar districts were very similar. The relations of the Darbhanga Raj with its tenantry were good, and the same applies to the numerous scattered zamindari estates administered by European planters. Rent generally were low, averaging Rs. 4 an acre in Muzaffarpur and Darbhanga, and between Rs. 3 and Rs. 4 an acre in North Monghyr. Moreover, in parts of North Bihar where rents tend to range higher, it is often the case that the raiyats cultivate specially valuable crops, such as tobacco, chillies and sugar-cane.

4. In Chota Nagpur before the settlements and preparation of the records-of-rights in the early years of the present century, there had been a good deal of oppression of the unsophisticated aboriginal inhabitants by alien landlords, but during the settlement operations the rights of the tenants were carefully ascertained and recorded and they were also given generous concessions as regards forest rights. The soil of the Chota Nagpur plateau is, of course, far less fertile than that of the Gangetic valley, but rents are proportionately lower and except in parts of the Palamau district the average rental is only about Rs. 2 an acre.

5. In South Bihar, *i.e.*, in the area comprising the district of Patna, Gaya and Shahabad and the southern portions of the Monghyr and Bhagalpur districts, the conditions as regards rents are very different from those prevailing north of the Ganges. In North Bihar cash rents are the rule, but in South Bihar large areas of land are held on the *bhaoli* system of produce rent whereby the crop is divided between the landlord and tenant either in equal parts or in the proportion of 9:7. A large portion of the Shahabad district and parts of the Patna and Gaya districts are irrigated from the Son canal system, the raiyats paying Government for their water on a tabulated scale of rates. In central and east Gaya and in the south of the Patna district there is an extensive and often complicated system of irrigation by means of private reservoirs and small water-channels which depends to a great extent for its efficiency on the goodwill of the landlord. The *bhaoli* system in theory is fair and equitable to both parties. In practice, however, owing to the dishonesty of the landlord's collection staff it tends to be inequitable to the raiyat, for it gives the Tahsildar many opportunities of harassing him. As a result, the tenants in South Bihar have, over a considerable period of years, taken resort to the provisions of Section 40 of the Bihar Tenancy Act and have applied for commutation of their rents into cash.

In many cases also cash rents have been fixed by agreement with the landlord.

6. In making commutation under Section 40 of the Bihar Tenancy Act, a Revenue Officer is required to take into account certain definite factors, including:—

“the average value of the rent actually received by the landlord during the preceding ten years or during any shorter period for which evidence may be available.”

A determination of cash rent, therefore, depends mainly on the prices of staple food grains over a period of years. It follows that rates fixed during a period of continued high prices will tend to be high and will moreover tend to become beyond the capacity of the tenant to pay during a time of economic depression. This has actually happened to a considerable extent in South Bihar; and, whereas in some areas considerate landlords have been ready to meet their tenants half way by remission of rent, in the districts of Gaya and Patna and a part of Monghyr landlords have been inclined to insist on payment in full and to press tenants to the point of buying up their holdings for arrears of rent and taking their land into their personal possession as *bakasht*.

7. A period of pronounced economic depression tends inevitably to make the raiyats discontented with his lot especially in a Province such as Bihar where, owing to the pressure of the population on the soil, the average holding is extremely small. The recent period of economic depression has also synchronized with a period of political agitation. It brought to the surface long-standing grievances in some estates against the landlords' illegal exaction of *begari* (forced labour). It brought into even greater prominence the rapacity of the landlords' subordinates in a number of ill-administered estates. This was particularly noticeable in the Gaya district and in parts of the Patna district. And it was here that the Kisan Sabha movement obtained its first real hold.

8. On the Tikari-Amawan estate in Gaya district, which was one of the earliest targets of the agitators, the genuine grievances of the tenantry may be summarized as follows:—

- (1) The rents, commuted subsequently to 1920, were, in many cases, more than the raiyat could pay. In some instances they ranged as high as Rs. 15 an acre. Many holdings had been sold up for arrears of rent and the lands bought by the landlord and turned into *bakasht*.
- (2) In some instances the landlords had deliberately neglected the irrigation works after the produce rents had been commuted to cash.

- (3) There was a general grievance against the rapacity and dishonesty of the landlords' collection staff not only on the Tikari-Amawan estate, but also on other estates where the landlord habitually absented himself for the greater part of the year.

9. The protagonist of the Kisan Sabha movement in Bihar has been Swami Sahajanand Saraswati, a Babhan agitator, who is a native of Ghazipur in the United Provinces. His chief supporters have been Jadunandan Sharma, another Babhan, who devoted his activities to the Gaya district, and Karyanandan Sharma, also a Babhan, a resident of Lakhisarai in Monghyr, who has applied himself to the development of the movement in the Monghyr district. The Swami, by dint of vigorous propaganda and extensive touring, succeeded during the years 1933-35 in organizing Kisan Sabhas throughout Bihar. He is a strong speaker, with an influence over illiterate people, and commanded a ready audience in places where the tenants had grievances, real or imaginary, against their landlords. Thus, in the Shahabad district, he made capital out of complaints against the Dumraon and Surajpura estates; in Bhagalpur the Grant estate was one of the object of attack; similarly the Khaira estate in Monghyr, and the Ramgarh and Kunda estates in Hazaribagh. He also found material in Shahabad and Gaya in the raiyats' complaints that the canal rates are too high.

10. The Swami from the start has taken the line that the Kisan movement is separate from, but allied to, the Congress. He is himself anti-zamindar, but has definitely taken as his target the large zamindars as distinct from the smaller, many of whom are themselves supporters of the Congress. In his public pronouncements his advice to the raiyats has been to ventilate their genuine grievances through legitimate channels and to organize themselves for this purpose. He has been most careful to dissociate himself from any suggestion of a no-rent campaign. Some of his supporters have not been so guarded. Thus Jadunandan Sharma in 1934-35 attempted to induce the tenants of the Tikari estate to withhold their rents, and action was taken against him on several occasions under Section 144, Criminal Procedure Code.

11. The recent history of the movement may be briefly outlined from the cold weather of 1935-36. By this time the Congress party was alive to the value for electioneering purposes of an organization which now covered practically every district in the Province. Congress leaders began to take frequent opportunities of addressing the Kisan organisations with a view to election propaganda. There is little doubt that Sri Krishna Sinha, the leader of the Congress Party in the Legislature, would have liked definitely to amalgamate the organization with Congress, but the Swami has always been opposed to this. He did, however, at a meeting at Hajipur in November 1935, make the

pronouncement, referred to above, that he regarded petty zamindars as peasants and that it was only the big zamindars he regarded as zamindars.

12. In many of the districts the preoccupation of Congress with the election issue overshadowed and put in the background the real objectives of the Kisan movement, but in the Gaya and Patna districts organizations were still urging on the raiyats to ventilate their grievances.

13. Towards the end of March the agitation took a new form when some 500 raiyats waited on the Collector of Patna to state their grievances and subsequently marched to the Legislative Council. The crowd was quite peaceful and listened quietly to the Collector who explained that definite grievances, if brought to his notice, would be investigated by the local officers. It seems probable that the demonstration was organized against the wishes of the Swami, but he did nothing to stop it. The demonstration before the Council Chamber was probably aimed at the President, Babu Rajandhari Sinha, whose zamindari had become a centre of agitation.

14. The same form of demonstration appeared in other districts. In the Gaya district deputations of raiyats, mostly from the Tikari Raj, visited the Collector to state their grievances. They behaved in a peaceful and orderly manner and were told that definitely-stated grievances would be investigated. The complaints were mostly from raiyats who had lost the whole or portions of their holdings through default in payment of rent. In the South Bihar districts the local officers were by this time systematically taking up the investigation of such complaints, and in a large number of cases a settlement was effected between landlord and tenant; but there were several instances in which the local agitators intervened in order to prolong a dispute after the local officers had found the landlord and tenant quite ready to settle it. Thus in the Gaya district, in village Sunda on the Tikari estate, the Subdivisional Officer, after prolonged negotiations, had succeeded in getting from the proprietor very favourable terms for a number of tenants whose land had been sold. Just when the dispute was on the point of settlement, the local Kisan agitators persuaded the tenants to refuse the terms, and when the landlord's agents attempted to plough the *bakasht* land they were obstructed by a number of women. In other parts of the same district a considerable number of such disputes were settled amicably, and it was clear that, with the agitators out of the way, landlord and tenant were generally prepared to meet each other half way. With the advance of the cultivating season it became evident that however genuine the attitude of the Swami himself, his lieutenants were encouraging the raiyats in certain areas to take the law into their own hands. In several cases the

police had to take precautionary measures because villagers threatened to obstruct, either forcibly or by *satyagraha* on the part of their womenfolk, the ploughing of landlords' *bakasht* land.

15. At the beginning of June Congress launched a Kisan Enquiry Committee to investigate the grievances of the raiyats throughout the Province. This Committee started work in Gaya, passed on to Shahabad and Patna and thence to Chota Nagpur. They listened to grievances and recorded a good deal of evidence, but the primary object was electioneering, and it was not intended to excite the agricultural classes to violent measures. Nevertheless the visitation had at the time a noticeably disturbing effect, particularly in those places where the raiyats were already prepared to break the law.

16. At the end of June His Excellency Sir James Sifton invited a number of the more important landlords of South Bihar to discuss the situation with him in Ranchi. He impressed upon them the importance of personal contact with their tenants. The landlords agreed to control their *amlā* and to pay them proper wages, which would leave no excuse for their squeezing illicit payments from the tenants. They agreed to make certain remissions of rent and personally to supervise the settlement of *bakasht* land with tenants whose lands had been sold up through inability to pay excessive rents. It was arranged that the local officers should draw the attention of the landlords to cases in which commutation of produce rent in the time of high prices had resulted in the settling of cash rents which were beyond the tenants capacity to pay; and that in such cases the rents (and the arrear demands) would be suitably reduced. The gentlemen present also promised to use their influence with their fellow-landlords to take similar steps with regard to their own estates. It was hoped that if the landlords acted up to these promises, a good deal of ground would be cut away from under the feet of Kisan agitation. Actually, in the ensuing few months a certain amount was effected in this direction, and as the cultivators grew more occupied in agricultural operations, agitation began to die down. In the Patna district the prosecution of two Congress agents for advocating the forcible seizure of land sold for arrears of rent had a sobering effect.

17. In July the Kisan Sabha issued their election manifesto. Although their basic demands included the abolition of the zamindari system and the writing off of agrarian debt, their immediate demands were more moderate, including the abolition of rent in kind, the exemption of uneconomic holdings, cancellation of arrears and the reduction of rent and canal-dues by half. It was emphasized that the Sabha would work in close collaboration with Congress and the wording was clearly designed to propitiate the smaller zamindar.

18. At the end of July the Congress Enquiry Committee pursued its proceedings into the Bhagalpur and Tirhut Divisions. It was clear to the educated classes by this time that the tour was a vote-catching campaign. The speakers at meetings were careful to say nothing against the zamindari system itself, but they urged their hearers to resist the exactions of the landlords' *amla*.

19. During August and September there was a lull in agitation, although in the Bhagalpur district a number of local Kisan Sabha leaders were arrested under Section 107, Criminal Procedure Code, for threatening a violent campaign against the Grant estate.

20. During most of the period from June onwards Swami Sahajanand had been keeping in the background. He addressed very few meetings, but on several occasions sent misleading accounts of agrarian incidents to the All India bulletin. At the end of September he appeared again in the open and began to interfere in a land dispute in Majhauri (a village in the Dinapur subdivision of the Patna district) which the Collector of Patna was trying to settle. Towards the end of October this dispute culminated in a riot in the course of which a number of women who were doing *satyagraha* on the zamindar's fields were roughly handled and a male raiyat was seriously injured and subsequently died. The dispute was complicated and feelings were embittered from the start, but the machinations of the Swami did nothing to improve them.

21. On the 7th and 8th November a much-advertised Provincial Kisan Conference was held in an area in the Bhagalpur district which had been a centre of agitation during the first civil disobedience movement. Jai Prakash Narayan, the Socialist agitator, presided on the first day, and Swami Sahajanand later took his place. A good many of the audience of 5,000 were attracted by the fact that loud speakers had been installed, an innovation in rural meetings in Bihar. The leading members of the Socialist and Kisan Parties were present and the speeches were moderate considering the character of the meeting. A resolution of Ram Briksh Benipuri, an extremist member of the Socialist Party, setting forth the Kisans' demands, including abolition of the zamindari system, aroused opposition, and there was still stronger opposition to a resolution advocating a separate Kisan flag of communistic design. A resolution was passed asking Government to adopt measures to restore the holdings of tenants who had lost them through inability to pay the cash rents fixed by commutation. Criticism was also levelled at alleged corruption amongst subordinates in the Canal Department.

22. The Congress electoral campaign was by now in full swing. At election meetings Congress candidates everywhere were inclined to paint extravagant pictures of the golden age which would ensue upon

their being elected at the polls. At the same time a great deal of quiet propaganda was going on in the villages, directed chiefly against the landlords. The visit of Jawaharlal Nehru to the Province in early January was primarily concerned with the elections, but he paid visits to two notable centres of Kisan agitation in the Patna and Gaya districts. He was welcomed everywhere by large crowds. In his speeches he harped as usual on the poverty of the masses. He emphasized the necessity for voting for the Congress candidates, but also explained that this was only a step towards the attainment of a *panchayat raj*.

23. After the elections were over and the sweeping success of Congress had become a *fait accompli*, a marked change of tone becomes noticeable in the public utterances of the Kisan Sabha leaders. Ram Briksh Benipuri at an important Kisan meeting at Aurangabad made an open reference to the abolition of the zamindari system. The Swami's speeches also began to show a distinct tendency towards the left.

24. In early March agrarian trouble came to a head in the Mokameh Tal in the district of Monghyr. The Mokameh Tal is a wide expanse of completely featureless country which is flooded in the rains and usually grows a luxuriant *rabi* crop. It is largely in the possession of landlords of the Babhan caste who have a bad reputation for oppressive behaviour. For many years these Babhans have been staunch supporters of the Congress Party, and in fact the behaviour of a section of them made it necessary for Government to maintain a strong force of additional police at Barhi in the north of the area for two consecutive years. It is evident that there had been a great deal of illegal enhancement of cash rents when the price of grain was high. During the economic depression the tenants were unable to pay these high rents and a great deal of their land was sold up and converted into *bakasht*. It seems likely that in many cases the original tenants were allowed to cultivate on *batai* terms, but recently the landlords have been importing outside cultivators for the purpose so as to prevent the fresh accrual of occupancy rights. On the 27th and 28th of February a Kisan Sabha Conference was held at Sheikhpura which is close to this area. Though the set speeches were not particularly violent for this type of meeting, the resolutions had particular reference to the situation in the Tal and the problem of *bakasht* lands. One of them purported to warn tenants against taking possession of such lands by force. The principal speaker at the meeting was the Kisan leader, Karyanand Sharma, whose home is at Lakhisarai, a few miles from the Tal. He had undoubtedly been engaged in fomenting the agitation in this area for some time previously. The zamindars allege that in addition to these set speeches and resolutions there was a good deal of propaganda at the meeting for the purpose of inciting the tenants to attack the landlords and take possession of the *bakasht* lands. A few days

after the meeting the whole area was in a state of extreme tension and a number of the landlords came to the District Magistrate and complained that gangs of tenants were roaming round the area seizing the landlords' crops indiscriminately. The District Magistrate took prompt measures. A case under Section 153 of the Indian Penal Code and Section 107 of the Criminal Procedure Code was started against Karyanand Sharma, who was arrested with a number of his supporters. The District Magistrate and his subordinate officers went out into the area, and found that a good deal of looting of crops had occurred, but that it was confined to about a dozen villages belonging to landlords whose conduct was believed to have been particularly oppressive. The District Magistrate adopted the course of narrowing down the dispute to the plots where the tenants had some colourable claim to cultivate. Both sides naturally made exaggerated claims, but in the end the District Magistrate was able to confine the dispute to particular fields, the crops of which were to be cut under police supervision, while the remainder of the crop was to be harvested in the ordinary way. Two troops of mounted military police were despatched to the area.

25. The efforts of the local officers in the investigation of genuine disputes were largely successful and in the course of a fortnight the situation generally had settled down and there was no further attempt on the part of the tenants to take the law into their own hands. At a political conference, held at Jamui in the south of the Monghyr district on the 13th and 14th March, the references to the agrarian situation in the Mokameh Tal were couched in definitely moderate terms and one speaker, a Congress M.L.A., condemned the looting of crops. It is significant, however, that after the meeting some of the Kisan leaders held a secret meeting at which this speech was condemned. In various parts of the Patna and Gaya districts and in other parts of the Province agrarian tension had by now become considerable.

26. During the first half of April the situation in South Bihar showed little change. There were three more cases of crop-looting in the neighbourhood of Sheikhpura in the district of Monghyr, but the situation in that area was on the whole quieter. Rajendra Prasad made efforts to effect a settlement with some of the zamindars, but received no assistance from Swami Sahajanand who was apparently annoyed at not having been consulted first. In the district of Gaya there was no improvement in the situation. Two cases of arson occurred in the Jehanabad subdivision in which it was suspected that the tenants' houses had been set on fire by the landlords' agents. In the same subdivision a local landlord, who also practised as a lawyer, was set upon by a gang of tenants and murdered.

27. It will appear that the existing situation in South Bihar is not

without dangerous possibilities. Where the tenants speak for themselves, their demands are usually moderate and they undoubtedly have a number of genuine grievances. The Kisan leaders naturally go a good deal further in their demands and although they do not in public advise action which is contrary to the law, there is a general suspicion that, in private, some of them are encouraging the tenants to resort to violent measures.

28. In North Bihar conditions are comparatively quiet and free from agitation. Swami Sahajanand has never obtained the same personal hold in this part of the Province as in the districts south of the Ganges, and his supporters have diminished their influence by a tendency to quarrel among themselves. In the Champaran district Congress affairs have during recent years been controlled by the local Congress leader, Bipin Bihari Varma, but agitation of the type advocated by the Swami has never established itself. In the Sitamarhi subdivision of the Muzaffarpur district a quarrel between two of the local leaders over the elections distracted attention from the Kisan Sabha and when the Swami recently tried to revive interest by a personal visit, his meetings were poorly attended.

29. The major portion of the Saran district also has been free from agrarian agitation, and it is reported that the Swami contemplates touring the district in order to stir up flagging interest, aided by Anugrah Narayan Singh, a prominent Congress leader who is reviving the moribund Congress Kisan Enquiry Committee with a similar object.

30. In Purnea the position is very much the same. There have been frequent feuds between local leaders, and neither here nor in the district of Darbhanga has the movement made much headway against the dominating influence of the Darbhanga Raj.

31. In the south of the Saran district and in the Hajipur subdivision of the Muzaffarpur district, agitation has taken somewhat distinctive lines. This is a locality in which the revolutionary movement at one time found a home and its tendencies have always been towards extremism. At present the guiding influence is Kishori Prasanna Singh, a former member of Jogendra Shukul's revolutionary party, now general secretary of the Bihar Socialist party. Although nominally President of the Kisan Sabha for the whole district of Muzaffarpur, he has actually little influence in the district outside the Hajipur subdivision. His object is apparently to develop the Kisan Sabha on extreme left wing lines. Both in Hajipur and South Saran he has concentrated on Youth Leagues and several such organizations have materialized in this area.

32. In Chota Nagpur sporadic attempts are still being made to arouse and sustain interest in the Kisan movement, but without much success. In parts of the Palamau district where the incidence of rents for paddy

land averages as high as Rs. 7 an acre, it seems probable that Swami Sahajanand will make further efforts to establish a foothold. More recently an attempt has been made in the Dalbhum subdivision of the Singhbhum district to encourage the aboriginal tenants to start an agitation about their alleged rights in forests which have been declared reserved by the Forest Department. The movement has little prospect of success in an area where labour conditions in Jamshedpur take precedence of other interests.

33. The greater part of the Santal Parganas in a large Government estate, known as the Damin-i-Koh in which the rents which are low, are collected by village headmen. In consequence of this and also because the Santal Regulation of 1872 affords the Santal an adequate protection of his rights of which he is by nature very tenacious, agitation has not met with much success.

34. It is a little difficult to estimate the extent to which the extravagant promises to the raiyats during the Congress election campaign have had a permanent effect on the situation as it now stands. There is no doubt that the raiyats were led to believe that under the new regime with Congress at the helm among other things the chaukidari tax would be abolished, and rents would be reduced by half. The dangerous expectations aroused by these promises became evident shortly after the elections when it was reported from almost every district in Bihar that the raiyats were showing a disposition to withhold their rents and to take possession of holdings which had been sold by the Courts. As time went on, however, and it became clear that the old order was not about to change abruptly, the effect in most districts seems to have worn off. In North Bihar in well-administered estates such as the Darbhanga Raj the information is that rents are now coming in smoothly.

35. In South Bihar particularly in the districts of Patna, Gaya and Monghyr the effect seems to have been more lasting. In this area the tension between landlord and tenant has undoubtedly increased. Besides the Mokameh Tal incident, already described, there are tangible signs that discontented raiyats are becoming more and more inclined to break the law. The murder of a landlord's patwari at Chero in the Patna district on the 18th April, the brutal murder of a small zamindar at Goh in the district of Gaya, following a similar murder at Jehanabad in the same district earlier in the month, which can all probably be attributed in part to the feelings aroused by the Kisan agitation, are significant of the dangerous atmosphere in the area where the agitators have concentrated their attentions.

36. The Bihar Government have recently decided to take action under the Tenancy law in cases where the tenants have genuine grievances on the ground of high commuted rents or against the illegal exactions of the

landlord or his staff. A portion of a press communiqué on this subject may be quoted:—

“There are however many individual cases in which rents are now excessively high in relation to the present prices of agricultural produce, owing to enhancement through the courts or by private contract or commutation, carried out during the period of high prices and illegal enhancements or settlement of holdings on increased rents. It is these classes of cases with which the Government intend to deal, and the situation calls in their opinion for the use of Section 112, Bihar Tenancy Act. The Government intend therefore to apply that Section to the settlement of rents and to the reduction of rents in specified classes of cases.

“The Government of Bihar also intend to introduce an amendment of Section 75, Bihar Tenancy Act, to facilitate the prevention of the exaction of illegal *abwabs*. As this Section is at present framed, the law can be set in motion only by the tenant instituting a suit against the landlords, and tenants are reluctant to make use of this cumbrous procedure. The Government propose, therefore, to introduce an amendment to Section 75, Bihar Tenancy Act, to enable the Collector or Subdivisional Officer to take action of his own motion in a case of exaction of any sum of money or portion of produce in excess of the rent or interest lawfully payable.”

It is hoped that this action will allay agitation by striking at one of the main roots of agrarian discontent in Bihar.

252

Haig to Linlithgow on His Reply to Babu Purushottam Das Tandon

L/P.O./6/100

CAMP, 16 May 1937

[Private & Personal.]

MY DEAR LORD LINLITHGOW,

I have despatched this morning my answer to Babu Purushottam Das Tandon and enclose a copy for Your Excellency's information. I think what I have said is, from the point of view of this Province, worth while, and as I mentioned in the telegram I have just sent to Your Excellency I hope it will not be in any way embarrassing to your policy. Your telegram of the 14th May has been of very great value to me.

2. With regard to Chhatari, I should be grateful if Your Excellency could stress the undesirability of the Ministry resigning before meeting the Legislature. Chhatari is greatly attracted by this idea; but most of the remainder of the Cabinet are at present I think convinced that they ought to meet the Legislature. But if Chhatari continues to press on them the more timid view, their morale may be weakened. If Your Excellency could also endeavour to hearten Chhatari generally, it would certainly be useful. I am afraid he really has little belief in what he is doing and little heart in it, and this attitude is not encouraging to the Cabinet.

3. With regard to the possibility of another minority Ministry taking office after a breakdown, though as I have said, I do not think this could be regarded as a practical possibility in this Province (because I do not think we could find people to face such a position), I should like to make clear to Your Excellency what I meant when I said that I felt this would be constitutionally unjustifiable. The Ministers have, under the constitution, very wide powers as against the Governor. The justification for their exercising those powers is that they are responsible to the Legislature. If in fact they are not responsible to the Legislature, we are installing in power a body of men who are really responsible to no one—neither to their own Legislature nor to the British Parliament. As a temporary measure that situation, which is not likely to give rise to practical difficulty, can well be faced, as it is being faced now; but I do feel that it would be difficult to justify carrying it on over any prolonged period. I have felt this for a long time, but I have seen recently that Rajagopalachari has raised the same point. Apart from this constitutional aspect, I do not myself understand how Ministers could face the situation. It will either be necessary to avoid summoning the Legislature for a long period, or the Ministry would find themselves, when the Legislature was sitting, subjected to daily humiliations; and I should have supposed that they would have been utterly discredited in a very short time. I am conscious that satisfactory arrangements for administration under section 93 are not easy to devise. I hope to write to Your Excellency after a little time on this subject; but it seems to me that the Governor will have to be himself responsible, his responsibility being to Parliament.

Yours sincerely,
HARRY HAIG

[Enclosure to the above letter]

NAINI TAL, 16 May 1937

DEAR SIR,

I am desired by His Excellency the Governor to acknowledge the receipt of your letter, dated May 10th, 1937, with which you forwarded a copy of two resolutions passed by a meeting of members of the Legislative Assembly held at Lucknow on the 9th May; the one declaring non-confidence in the present Ministers; the other calling upon the Governor to convene the Assembly forthwith.

His Excellency is glad that these questions have been discussed on the basis of what is constitutionally proper, for this encourages him to believe that the outlook of the members of the Legislature on our present difficulties will be constitutional, and that it will be their desire, as it will certainly be his, that the constitution should be worked in a spirit of mutual co-operation and understanding between Governor and Ministers, as recently described by the Secretary of State. His Excellency thinks it is essential to bear in mind that the constitutional difficulties in which the Province is admittedly involved at the moment flow directly from the decision which the Congress party felt it necessary to take in refusing to accept the normal constitutional responsibility of forming the ministry when they are in a majority. The principle of the constitution is that the ministry should consist of those who command the support of the majority of the members of the Legislature. When those who command this majority themselves refuse—whatever may be the ground of their refusal—to form a ministry, and indicate their determination not to allow an alternative ministry to function, the principle of the constitution is threatened. His Excellency conceives that his duty is to take such steps as may be within his power to avert or postpone such a development. It was with this object that he invited those who represent the minority in the Legislature to form a ministry. It was not his anticipation that the ministry would hold office for long unless it had secured the support of the majority of the Legislature. But in His Excellency's view it is reasonable that when such a ministry has been formed, it should have a fair chance of working out in some detail its practical programme for the advancement of the Province, so that the Legislature may be able to form a considered opinion upon it. This was one of the reasons which weighed with His Excellency in deciding not to summon the Legislature at an early date. The other consideration which influences His Excellency is that if the Legislature were summoned immediately, it appears to him that the constitutional deadlock, which in the interest of the Province it is most desirable to avoid, would at once

arise. The situation, His Excellency believes, is still fluid. There appears to him to be no essential reason why, with a fuller understanding of the manner in which the constitution is intended to work, a normal constitutional issue of our difficulties should not be anticipated and we should not look forward to a Government based on the support of the majority of the Legislature. But it seems evident to His Excellency that, if there is a chance of any such development, time is needed, and that he would be doing a disservice to the Province if he were to force the issue at this moment by summoning the Legislature. He feels that it is only fair to the members of the Legislature that they should not reach a decision on the grave constitutional questions that have arisen until they have had ample time to consider them from all aspects and without haste. When the two conditions which His Excellency has in mind have been fulfilled, he will not delay the summoning of the Legislature.

Yours faithfully,
J.C. DONALDSON

253

*Fortnightly Report for the Central Provinces and Berar for the first
half of May 1937*

Linlithgow Papers

First half of May, 1937

[SECRET]

1. *General Political Situation.*—The outstanding events of the fortnight were the Coronation celebrations and the meeting of the members of the Legislative Assembly called at Nagpur on the 11th of May by Dr. N.B. Khare, which was followed by a Congress convention. The Coronation celebrations were more widespread than was expected. In some places non-official committees displayed a good deal of enthusiasm, though certain local bodies passed resolutions not to participate in celebrations; at the same time making it clear that no discourtesy to His Majesty the King was intended. The police parade at Nagpur and the parade of troops at Kamptee on the morning of the 12th were well attended by the public. The poor were fed on a large scale, while in the evening large

crowds attended the cricket ground to hear the broadcasting of the Coronation proceedings.

On the morning of the 11th of May a party meeting of 47 Congress members of the Assembly was held at Dr. Khare's house, at which the business to go before the subsequent meeting of the members of the Assembly was decided. Ravi Shankar Shukla was a notable absentee. As the Members could not agree, Dr. Khare was given power to nominate the Speaker and Deputy Speaker. The meeting of the members of the Assembly in the Venkatesh Theatre started at 3-15 p.m.—about three quarters of an hour late. In all 51 members were present out of the total strength of 112. 46 were Congressmen, the other being 3 Mahommedans, including Mr. Yusuf Shareef and one Independent, Mr. M.G. Chitnavis, the President of the Reception Committee. Notable absentees were certain Congressmen from the north of the province. Ravi Shankar Shukla turned up half-way through the proceedings. The spectators, who were accommodated in the gallery, did not exceed 250. Mr. M.G. Chitnavis opened the meeting with a prepared speech which contained little of interest. Dr. Khare followed with an explanation of the circumstances which had led up to his summoning the meeting and referred to a speech of Sir Bertram Standen in 1924 in the Legislative Council, in which he had advocated the asking for assurances in respect of the administration of transferred subjects. He then read out the letters of members who had expressed their inability to attend, including the letters of the Hon'ble the Chief Minister, the Hon'ble Minister for Revenue and the Hon'ble Minister for Finance. He wound up by nominating Mr. G.S. Gupta as Speaker and Mrs. Kale as Deputy Speaker of the Assembly. On hearing of Mrs. Kale's nomination, another lady member, Mrs. S Chauhan from Jubbulpore, left the meeting and went home. On Mr. G.S. Gupta taking his seat, Mr. T.J. Kedar moved the main resolution that "In the opinion of this House the present Ministers do not enjoy the confidence of the people and of their elected representatives and that their continuance in office in direct defiance of the elected majority is subversive of all principles of democracy and repugnant to all notions of constitutional propriety." His speech was largely an attack on the Hon'ble the Chief Minister and the Hon'ble Minister for Finance, the special point made being the speeches delivered in 1924 in the Legislative Council in the course of the debate over the appointment of Ministers. He was supported by a number of speakers, and the resolution on being put to vote was carried unanimously. Mr. D.K. Mehta of Seoni moved a second resolution running as follows:—"This House regards the refusal of the Governor to summon a meeting of the Assembly in order to prolong the life of the Ministry as unconstitutional and contrary to the mandatory provisions

of the Statute and calls upon the Governor to convene the Assembly forthwith." His speech and the speeches of the members who supported the resolution followed moderate lines, being largely confined to and exposition of the constitutional position. The third and the last resolution was moved by Mr. D.P. Misra of Jubbulpore to the effect that "This House condemns the Government for its callous indifference towards the sufferings of the agriculturists of the province." His speech was largely an attack on the Hon'ble the Chief Minister. Those who followed the mover spoke about the poor condition of the cultivators, the alleged failure of crops and the straits to which tenants were reduced. The proceedings terminated at about 8.30 p.m. with the carrying of Mr. D.P. Misra's resolution. After the meeting the members and the audience adjourned to the Chitnavis Park, where the session of the Convention opened. Though arrangements had been made for an audience of 10,000 people and loud speakers had been installed, not more than 500 persons were present. Mr. Chitnavis and Dr. Khare read out written speeches and messages received from Congressmen who were unable to come. The attendance was appreciably less than for an ordinary political meeting, and Dr. Khare and his supporters were bitterly disappointed at the response from the public. The subsequent dinner at Mr. Chitnavis' house for Congressmen and their sympathisers attracted about 300 guests, some 150 persons who were invited having refused.

In the afternoon of the 12th a meeting of the subjects committee was held in the Venkatesh Theatre, starting at 3-30 p.m., though it was timed to begin at 2 p.m. Dr. Khare took the chair. 31 members of the Assembly and 9 members of the Socialist party were present. The audience was thin at the beginning, but had increased to about 500 persons when the meeting dispersed at 7.15 p.m. After the three resolutions passed at the meeting of the previous day had been approved, Dr. Khare announced that they would pass all the five resolutions of the All-India Convention held in Delhi. Some of these resolutions, particularly the one relating to the reduction of land revenue and rent, led to some disagreement, as the Socialists led by Mr. Ruikar wished to insist on a 50 per cent reduction of land revenue and rent, a minimum pay for a labourer of Rs. 30 per mensem and a dole of at least Rs. 15 per mensem for each unemployed person. This provoked considerable opposition from landholders and others, particularly from Mr. K.P. Pande of Sihora, one of the most irresponsible members of the old Legislative Council, who developed a strain of practicalness and pointed out that, if revenue was reduced as proposed, there would be no money to pay the dole of Rs. 15 per mensem. Mr. Ruikar and his followers were defeated on this point and also on an amendment moved by his party

that there should be no compromise with the British Government, but that it was time to prepare the masses to fight for complete independence. A resolution moved by Mr. Ruikar to send fraternal greetings to the people of Spain and to call upon the people of the province to respond to the appeal of Pandit Jawaharlal Nehru was, however, carried unanimously; but another resolution to form a united anti-imperialistic front was rejected by a large majority. It was expected that this meeting of the subjects committee would be merely a formal affair without opposition, but the strong line taken by Messrs. Ruikar, Kulkarni, Jaggam and other Socialist leaders led to animated and excited discussions. The arguments advanced by the Socialists are believed to have had an effect on some portions of the audience. The subjects committee meeting was followed by another open session of the Congress Convention in the Chitnavis Park which lasted from 8 p.m. to 1 a.m. About 2,500 persons attended, who gave a patient hearing to all the speakers. The resolutions passed by the subjects committee were put and adopted. 21 members took the Congress oath requiring them to promise and resolve that they would serve India inside and outside the legislatures and endeavour to free India and liberate her from the misfortunes from which she is suffering. During the proceedings there was much coming and going amongst the audience, many of whom prefer to see the Coronation illumination and to hear the Coronation broadcast at the cricket ground.

Little enthusiasm attended either the meeting of the Assembly members or the Convention, the audience being far smaller than was expected. Dr. Khare and his supporters have been disappointed at the response, and the stock of Congress has suffered a distinct set-back for the time being.

Outside Nagpur there have been a number of political meetings, particularly in Berar, where a camp of volunteers was opened at Jamthi in the Murtizapur taluq, at which Mr. Brijlal Biyani stressed the importance of work without the expectation of reward. On the 4th of May, at a meeting of the Berar Congress Committee at Akola, a committee was formed including Messrs. M.S. Aney and W.R. Joshi to make enquiries about the condition of agriculturists in order to submit representations to Government. From the Raipur district come reports of preparations by Congress to conduct extensive propaganda in the interior with a view to explain to the masses the political situation created by the refusal of the Governor to give assurance to the Congress. Information has been received that Dr. Khare told the Balaghat Congressmen that, had he been left to himself, he would have accepted office without any conditions, but that he was powerless in view of the directions of the Congress Working Committee. In

Chhattisgarh the programme of the Ministry is being looked forward to with interest, and in some quarters it is thought that, if it contains measures for the relief of the rural population and is followed up by the propaganda, it may result in a change of feeling in favour of the Ministers. In the north of the province the politicians have been quiet, but now that the Convention is over it is expected that there will be a village to village campaign for the organisation of local cultivators and systematic enquiry into crop damage so as to bring pressure on Government to give relief in various forms. In this part of the province the general feeling that Congress has made a tactical error in not accepting office continues to grow. In the Betul district Congressmen are taking advantage of the local scarcity to push agitation and the formation of *Kisan Sabhas*.

2. *Communal*.—Dr. Khare took the chair at a meeting in the Town Hall to condemn the action of the Maharaja of Cochin, but this was countered by a meeting of orthodox persons belonging to the Varnashrama Swaraj Sangh which congratulated the Maharaja. The Hindu Mahasabha also held a meeting in the Town Hall, Nagpur, to condemn the actions of Fakir of Ipi and other Mahommedans guilty of attacks on Hindus, while Government was also condemned for its failure to take proper measures on the Frontier. Attempts have been made to induce local Mahommedans to protest against the operations in Waziristan, but without effect, though a local fanatic promised to lead 50,000 peasants in a march on Pachmarhi. Communal tension still exists in Jubbulpore town, where there are occasional instances of the intentional playing of music near mosques followed by purificatory cow-slaughter.

3. *Labour*.—May Day was celebrated only at Nagpur and Akola and passed off quietly. Nothing further has been heard about the re-organization of the Congress Socialist Party. The Nagpur Textile Union has refused to accept Mr. Ruikar's resignation, and it is said that he has been assured that no meetings will be called in future without his approval. In Burhanpur there are signs of unrest amongst the labour at the mills, and there is some possibility of a strike, as the Manager is said to be rather tactless. A short strike at the Badnera Mills in the Amraoti district was settled satisfactorily.

4. *Economic*.—The damage done by the untimely rain in the Satpura districts, particularly Betul, is greater than was at first expected. The Deputy Commissioner, Betul, reports that there is considerable distress in the Bhainsdehi tahsil, where the Korkus will not come to relief works which have been opened. Substantial remissions have been ordered because of damage from hail, and considerable suspensions will also be necessary. In the Jubbulpore district over a lakh of land revenue will have to be remitted, and large sums for distribution as taccavi are being asked for.

5. *Press*.—The local press holds the opinion that the margin of difference between Government and the Congress has become smaller with Mr. Butler's statement and the Allahabad resolution of the Congress Working Committee. Lord Zetland's second statement was regarded as clarifying Government's attitude and virtually meeting the Congress demand. The *Daily News* and the *Hitavada* urge Congress not to quibble any longer, but to take the authorities at their word and to accept office. The new constitution for the Irish Free State was commended and described as the severing of the last link in the deanglicisation of Ireland. The British Government was asked to take a lesson from Ireland and to deal with India in a statesmanlike and far-sighted manner.

All papers exhibited a keen interest in the Satyagraha at the Sonia Maruti temple in Poona and urged the Bombay Government to concede the just rights of Hindus.

The proceedings at the meeting of the members of the Assembly and at the Congress Convention were characterised by the *Daily News* and the *Hitavada* as tame, unreal and lacking in seriousness. On the other hand, the *Independent*, a Congress organ, described them as a "very successful affair".

No action was taken against newspapers and presses under the Indian Press (Emergency Powers) Act, 1931.

Resolutions passed at the Congress *Mock Assembly* held at Nagpur on the 11th May 1937:—

Resolution No. 1.—"In the opinion of this House the present Ministers do not enjoy the confidence of the people and their elected representatives and their continuance in office in direct defiance of the elected majority is subversive of all the principles of democracy and repugnant to all notions of constitutional propriety."

Resolution No. 2.—"This House regards the refusal of the Governor to summon the Legislative Assembly in order to prolong the life of the present ministry as unconstitutional and contrary to the mandatory provisions of the Statute and calls upon the Governor to convene the Assembly forthwith."

Resolution No. 3.—"This House condemns the Government for its callous indifference towards the suffering of agriculturists in the province."

Resolutions passed at the *All-Parties Convention* at Nagpur on the 12th May 1937:—

Resolution No. 1.—"The Chair moved a resolution congratulating Barrister Savarkar on his release."

Resolution No. 2.—"The Congress reiterates its entire rejection of the Government of India Act of 1935 and the Constitution that has been

imposed in India against the declared will of the people of the country. In the Congress any co-operation with this constitution is a betrayal of India's struggle for freedom and the strengthening of the hold of British Imperialism and the further exploitation of India's masses who have already been reduced to dire poverty under an Imperialist domination. The Congress therefore repeats its resolve not to submit to this constitution or to co-operate with it but to combat it both from inside and outside the legislatures so as to end it. The Congress does not and will not recognise the right of any external power or authority to dictate political and economic structure of India and every such attempt will be met by an organised and uncompromising opposition of the Indian people. The Indian people can only recognise a constitutional structure which has been framed by them and which is based on the independence of India as a nation and which allows them full scope for development according to their needs and desires.

The Congress stands for a genuine democratic State in India where political power will be transferred to the people as a whole and the Government is under their effective control. Such a State can only come into existence through a Constituent Assembly, elected by an adult suffrage and having power to determine finally the constitution of the country."

Resolution No. 3.—“This Convention calls upon the members of the Provincial Assembly to press for the carrying out of the Congress programme as enunciated in the Election Manifesto and the Congress agrarian resolution. In particular they should work for:—

- (a) Substantial reduction in rent and revenue;
- (b) assessment of income-tax, on a progressive scale, on agricultural incomes, subject to a prescribed minimum;
- (c) fixity of tenure;
- (d) relief from the burden of rural debt and arrears of rent and revenue;
- (e) repeal of all repressive laws;
- (f) release of political prisoners, internees and detenus;
- (g) restoration of lands and property confiscated or sold by Government during Civil Disobedience movements;
- (h) eight hours day for industrial workers, without reduction of pay; living wage;
- (i) prohibition of intoxicating liquor and drugs;
- (j) unemployment relief, and
- (k) reduction of high salaries, allowances and cost of administration of Government."

Resolution No. 4.—The Convention accepted the three resolutions which had been passed the previous day at the meeting of the M.L.As.

Resolution No. 5.—The last resolution to be accepted by the Convention expressed sympathy with the people of Spain in their struggle for the preservation of democracy.

254

U.P. Cabinet on Party Organisation

Haig Papers

16 May 1937

At the Cabinet meeting yesterday, we had a most interesting and frank talk about party organization. It had been evident for some time that in spite of much discussion of plans and statement of intentions, nothing really was being done in the way of development of organization. I had realised that there were differences of principle, but it was only last night that we got down to the fundamental facts.

2. The difficulties turned on the point whether there should be a non-communal party or not. Recent developments have emphasised the fact that the Muslims intend to stand together as a community against the Congress. The fact that they are almost solid against the Congress shows that they are acting as a community and not as individuals influenced by general political or economic views. Therefore it is clear that the Muslims must be organised on communal lines, and Chhatari made it quite clear last night that it was impossible for the Muslims to merge themselves in a non-communal party.

3. This leaves the non-Congress Hindus in a difficulty. They are small in number as compared with the Congress Hindus, and cannot by themselves put up any effective fight against the Congress Hindus on general political issues unless they have the full support of the Muslims. There was some discussion about the possibility of organizing non-Congress Hindus also on communal lines, and some of the Ministers maintained that this could most certainly be done, but it could only be done by adopting an aggressively Hindu policy e.g. stopping cow-slaughter. I put it to them that it was really inconceivable that two parties organized on communal lines and really for purposes of opposing each other on these communal questions, could ever coalesce and work a government together. This was realised.

4. Another point made was that there is a very wide field of common policy between the Muslims and the non-Congress Hindus, and that it was very desirable that they should work side by side in this field. This

every one was prepared to do, provided the work was not done under the auspices of a specifically non-communal party to which the Muslims would not agree. It was therefore decided that work should be started not with an ambitious party organization from the top, but from the bottom by doing practical work in the districts; that the work should be done under the auspices of an ostensibly non-political party, the object being to promote good relations between landlords and tenants. It might be called *Desh Sevak*, and would provide the basis on which subsequently some political combination might be built up, but at the moment it was undesirable to aim at any political combination or party. This decision was not welcome to Sir J.P. Srivastava, who was definitely in favour of a non-communal party—naturally enough, because his position as merely one of a little group of unorganized non-Congress Hindus, is not easy. But he realised that the Muslims did not intend to join a non-communal party, and I hope he will acquiesce in the line of work suggested.

255

Nawab of Chhatari to Sapru on His Political Predicament

Sapru Papers

17 May 1937

I am following with interest your interview with pressmen in India although I hoped that the Secretary of State's speech¹ would improve the situation, I do not see any marked improvement. We had a meeting of some of the members who are willing to support us. Their number at present is not more than 50 in a House of 228. If we could get the League with us, we would have 27 more. But, as you know, Khaliq-uz-Zaman has his leanings towards Congress. However, if it comes to a vote of no-confidence, I think out of these 27, ten or twelve will come over to our side. This is a very hopeless position, and to me this is a real torture. Can you give me any idea as to what is going to happen next? If the intention was to show to the Congress people that the minority Ministries could put forward programmes without let or hindrance from the Governors, that purpose has been served. The Secretary of State and the Under Secretary of State have both made it as clear as possible that the special powers are not to be used ordinarily. I think it is high time

¹. See No. 231

that a second offer was made to the Congress to accept office, and if they do not accept even now, I see no other alternative to suspension of the Constitution. You know that since I had the pleasure of working with you at the Round Table Conference I have been regarding you as my political Guru, and on my return from the first Round Table Conference I made it clear from one of my speeches in the Council, I did so even without your consent and without asking for any assurance from you like our Congress friends; and I have made up my mind that if I get out of this difficult position once I will come and sit by you and will not enter into active politics unless you come out of your seclusion to take part side by side with me.

With kindest regards,

Very sincerely yours,
AHMAD SAID

256

Gandhi to Agatha Harrison on Congress Stand

Gandhi Papers

17 May 1937

MY DEAR AGATHA,

Your letter has just come. And I hasten to answer. Could I be more definite than when I said if Mr. Butler and Lord Zetland meant what the papers made out they did, why not straightway give the assurances in terms of the (Congress) resolution? I have now gone a step further and said in so many words that when there is an emergency dismiss the Ministers.

The Bombay Governor's speech, as I read it, is a denial of what Lord Zetland is supposed to have yielded in his recent speech¹. You must have seen the text.

And why is my remark on complete independence a knotty point? Is it not in the Congress creed? Is it not in the very resolution which was shown to the Governors and to which they raised no objection?

Perhaps you do not know the difficulties we have to combat here. It is impossible to have mental reservations when you have millions of mankind to deal with, especially when you are training them not for an armed rebellion but for a peaceful revolution as yet unknown to history.

1. See No. 237

I want you therefore not to be agitated over what the diplomats say there or here. Your and my first and last care is to hold on to the anchor at all costs but say nothing in anger, nothing equivocal, nothing short of the whole truth and then leave the result to the unseen and uncanny Power that over-rules all our pet decisions at its own sweet will.

No more, for the postal time is up.
Love,

BAPU

257

Gandhi to Rajagopalachari on His Views

Gandhi Papers

TITHAL, BULSAR 17 May 1937

MY DEAR C.R.,

I did not like the last line of your letter to Ghanshyamdas¹. If what I am doing does not carry conviction to you, you should strive with me and resist me. For it is you who have to bear the brunt, not I. And if you act merely as an advocate—no matter how brilliant—but without conviction the battle will be lost. I write not a line without deep conviction. Zetland gave me some hope, Bombay² has shattered it, if what he says is what Zetland meant. But my conviction about the rightness of our position grows with their double-dealing. I would far rather cancel our resolution and accept office without any condition than accepting office under the delusion that Zetland's speech with Butler's annotation was a near enough response to our resolution. Of course my conviction abides that unconditional acceptance would be fatal. The other would be still more so. The only honourable course therefore is to remain as we are till we get what we want and in the manner we want it. But if all this sounds hopelessly unreal to you, you should resist me for my sake and what is more for the sake of the cause.

Hope Laxmi and you are doing well.

Love,

BAPU

¹ Not printed

² The reference is to the Bombay Governor's speech at Belgaum.

258

Sapru to M.R. Jayakar on Political Situation (Extract)

Sapru Papers

18 May 1937

...As regards the Indian political situation, I have seen Zetland and Butler and am dining with the latter tonight. I have also had fairly long talks with Halifax and Lothian. The impression here is that Congress is trying to manoeuvre for position. I do not think that Government are going to give any kind of assurances beyond those which may be gleaned from Lord Zetland's last speech and Butler's statement. I understand that the attitude is stiffening just as it is stiffening in India.... All this is unfortunate, as the area of controversy is now apparently so narrowed. I understand from Miss Harrison that what is wanted now is an assurance that, in the event of disagreement with his Ministers, the Governor will dismiss them and that they will not be under the necessity of resigning. This is hardly intelligible and the meaning put on it is that it is intended to put the Governors in the wrong.... Whatever I have said or done here I have said or done in my personal capacity as an individual, without pretending to act as an intermediary. I have a very strong feeling that I do not command the confidence of the Mahatma, if he does not distrust me. As for Jawaharlal Nehru, he has nothing but unmitigated contempt and distrust for me....

You may be sure that, without agreeing with the legal and constitutional point of view of the Congress, I shall do the best that I can to pour oil on troubled waters and to see that the situation is really eased, but more than this I cannot do or hope for. Personally, I regret very much that the Congress should have taken this line. The average Englishman here has no thought left for India. He cannot understand easily why a majority party should decline to accept responsibility. ...Those of the Princes who are here are much disturbed by Jawaharlal's statement¹ in Calcutta that they must enter into agreement with Congress. ... There is much disappointment here that Bra-bourne's attempt at paving the way for a settlement should have been so summarily dealt with by Kher....

¹ Refers to Nehru's statement in Calcutta on 3 May 1937 wherein he characterised the Princes as "the close allies of British Imperialism" in the national struggle.

259

*Linlithgow to Brabourne on Alternative Courses of Action**Brabourne Papers*

VICEREGAL LODGE, SIMLA

18 May 1937

(Secret & Personal)

MY DEAR BRABOURNE,

The position in regard to office acceptance and the attitude of Governors towards Congress has been made abundantly clear in the Secretary of State's latest speech. Comment, both in the press and in the public statements of responsible observers, serves to illustrate that if the impression made by that speech is not yet perhaps as decisive as we would wish, it has been definitely of real value as elucidating the position and in its effect, on Congress; and it is note worthy in particular that there are signs of a gradual and even marked contraction of the Congress demand, which is now concentrated on the securing of an assurance that where differences exist, between a Governor and his ministers and the Governor is not prepared to give way, he should dismiss his ministry and should not wait for them to resign.

2. It is perhaps still too early for a reliable estimate of probable developments within the Congress, or of the right tactics to be adopted in Provinces with a Congress majority if the Congress party persist in demanding assurance which cannot be given. My own impression, for what it is worth, is at this stage that there is little sign of a split, and that, unless there is a change of heart in Congress or we are able by explanation or in other ways to persuade them to modify their attitude, we may be in for a long fight (a consideration very relevant, if well founded, to our handling of the situation). I feel myself however that a stage has now been reached at which it is important that we should actively consider our immediate constructive policy towards Congress, and whether any step can be taken, and if so what, within the terms of the Act and of the policy which we have hitherto adopted in this matter, to facilitate office acceptance, and to strengthen the hands of the moderate element both inside and outside the Congress party. I am fully alive to the difficulties presented in formulating proposals of this order, but you will I think agree with me that it is most important both that we should continue to keep the initiative and that if there is any move which can appropriately be made on our side, it should be made at an early date.

Other considerations apart, there is the argument that if there is any further inducement within the Act which we can hold out to Congress to assume the responsibilities of office, the sooner it is extended the better, since the longer it is delayed, the easier it is for Congress to advance the pretext that so little time remains before the end of September, that they could not reasonably be expected to accept liability for the framing of a budget within the very short period available to them. This is a consideration which is equally of substantial importance in its bearing on the date upon which the legislatures are to be summoned.

Question of immediate policy to be adopted vis-a-vis Congress

3. I am accordingly in consultation with the Secretary of State as to our immediate policy, and as soon as he and I are satisfied as to the nature of the steps, if any, which it is practicable or desirable for us to take, I will communicate further with you by telegram. What I have at the moment in mind, subject to the further reactions of Congress and of public opinion to the statements which have been made by you and by other Governors in the last few days, is something of the nature of a message or public statement by myself in general terms, emphasizing the nature of the assurances and explanations which have been given by the Secretary of State and by Governors; indicating my entire agreement with Zetland's view of the attitude which a Governor would adopt in the matter of his special responsibilities; and expressing the hope that, now that the situation has been clarified, earlier doubts or misgivings will no longer persist or impede the normal working of the constitution. This is to be followed in due course by an early summoning of the legislature, say towards the end of June or early in July. I will not, however, further enlarge on this subject at the present stage, for it may well be that in the light of discussion with the Secretary of State I shall feel that it would be more appropriate to suggest for your consideration a course of a somewhat different character.

Necessity for considering action to be taken if efforts to persuade Congress to take office are unsuccessful

4. While however it is incumbent on us, as you will agree, to do all we can consistently with the provisions of the Act and the Instrument of Instructions to persuade the majority party in the legislature to accept office within the terms of the Act, we should be short-sighted were we to ignore the possibility that all our efforts in that direction may be unsuccessful. I therefore think that it will be an advantage even at this early stage to examine, though necessarily somewhat tentatively, the situation

which would in that event arise; for I feel that you will share my view that it would be well that we should start well in advance to clear our minds as to the alternative courses of action which may be open to us in various circumstances and to test, so far as we are in a position to do so, their strength and weakness. Let me make it clear that in subjecting to examination courses of action based on the hypothesis that Congress will not accept office, I do not wish in any way at the present stage to commit myself to the view that there is no hope of office acceptance. I am still far from unduly pessimistic on that point, and I continue, I trust not with undue optimism, to hope that the explanations which have now been given, and the depressing effect on moderate elements of a wholly negative policy, may combine to bring about a change of attitude. The object of my present letter is in the first place to explore the situation which will arise if those expectations prove unfounded; and secondly, to place on record certain observations of a general character relevant to our handling of the situation in the next few months.

Importance of the Home Front.

5. There are one or two general considerations to which I might refer before I turn to deal with specific courses of action. In the first place you will I think agree with me that it is important in the formulation and the implementing of our policy to pay very close attention to what I may describe as the home front. The Secretary of State has kept and is keeping me in closest touch with developments at home, and with the trend of feeling both in Parliament and outside. As you will have observed, there has been no serious parliamentary criticism of the line which we have adopted, and no suggestion in any quarter in either House that the assurances demanded by Congress should be given, such comment as there has been chiefly from the Labour Party, and it has been directed more to emphasizing the importance of adopting and maintaining a definitely sympathetic attitude towards Congress than to any specific modification of our policy. The same is broadly true of the press, though the press position is less wholly satisfactory to the extent that it inevitably must react rather more quickly to left wing pressure, and that newspaper such as the *News Chronicle* or the *Manchester Guardian*, which have consistently pursued a policy of extreme liberalism in Indian affairs, are naturally concerned in their editorial policy to continue to urge that concessions, the importance or even the practicability of which they frequently appear to fail correctly to estimate, should be made to Congress. Unless the situation improves, it may be that as time goes on, more particularly now that the Coronation is over, there will be growing signs of a similar feeling in Parliament.

However that may be, in this letter I place on record my estimate of the position at home, for what it is worth, only by way of underlining the great importance, in what we do or say, of avoiding giving ground for any suggestion at home that we are adopting a stiff and legalistic policy, or that we do not attach the utmost importance to establishing or maintaining contact with Congress, to attracting so far as possible the support of moderate elements in it, and to persuading Congress, in Provinces in which it is in a majority, to accept, the responsibilities of office on terms consistent with the provisions of the Act. I revert to some of these matters below.

Importance of inter-provincial reactions

6. A second consideration, which I need not develop, for we are all in agreement on it, and it is always as present I know to every individual Governor as it is to me, is the reaction of the policy adopted or the statements made by one Provincial Governor on the situation in other Provinces comparably situated. The course of events when the issue of office acceptance first became a major issue in March, showed clearly how anxious Governors were to avoid in the handling of their own situation in any way embarrassing the heads of other Provinces.

Possible course of action in event of a breakdown

7. I now turn to examine in somewhat more detail certain of the possible courses of action which have been suggested for consideration in one quarter or another, should Congress maintain its attitude of hostility and its present demands, and should we be unable to overcome its reluctance to accept office within the scheme of the Act. The position is of course that a Governor is bound to summon the legislature not later than six months from the 1st April both by reason of the terms of Section 62 (3) of the Act as well as in order to secure a renewal of supply; that in practice the latest date to which the summoning of a legislature could conveniently be postponed would be the early part of August; and that, for the reason I have given in paragraph 2 above, it may well be desirable to select an earlier date. There is of course no necessity for fixing a uniform date for the meeting of all the Provincial Assemblies, and there might indeed be some political disadvantage in doing so to the extent that action on those lines would tend to suggest an undesirable degree of interference with or co-ordination of the affairs of Provinces by the Governor-General or His Majesty's Government.

(a) Complete or (b) partial assumption of power under Section 93

8. The alternative situations which I examine below are based on the assumption that on the summoning of the legislature a minority ministry is, after a shorter or longer interval, defeated by the majority;

that the Governor then sends for the leader of the majority and invites him to assist him in forming a government; that the leader of the majority party refuses to do so save on conditions which the Governor cannot accept; that *ex hypothesi* even if a fresh minority ministry could be formed, it could not carry supply through the legislature, and that the Governor is no longer able to carry on the Government of the Province with this existing legislature and must take special steps to deal with the situation.

9. If and when breakdown comes, and he has no hope of securing supply, a Governor has no choice but to fall back on Section 93. Section 93 contemplates in the first instance a proclamation, valid for a period of six months but susceptible of extension, with, the specific approval of Parliament, for consecutive periods not exceeding three years. The period during which and the conditions on which emergency powers under the Section may be exercised are, therefore, definitely limited in time. The main alternatives open to a Governor if and when this situation is reached are:

- (a) Assumption of complete power under the provisions of Section 93. It would of course be open to a Governor were he satisfied, before the expiry of the period of six months for which the original proclamation would run, that there was a prospect of securing a ministry which could hold its own in the legislature, to revoke the proclamation once he had taken steps for the provision of supply and possibly for the passing of a limited number of measures of substantial importance to which effect could not be given without legislation. If the Congress were thereafter to decline office or to decline save on terms which could not be accepted, and if the Governor were thereupon to be unable to form a minority ministry (which need not of course be identical with its predecessor) to remain in power until such time as the legislature had again to be summoned, he would have no choice but again to fall back on the provisions of Section 93 under a fresh proclamation.
- (b) Partial assumption of control by the Governor under Section 93; in other words, the Governor would assume sufficient power to secure provision of supply. He would keep his ministry in being and may also keep the legislature in being. He could as under (a) relinquish his powers under Section 93 once supply had been secured.

Position in regard to (a) dissolution and (b) resignation of a ministry before meeting the legislature

10. There are two further points which it might be well to examine in this connection:—

- (a) whether a Governor shall, on an impasse being reached, dissolve; and
- (b) a suggestion which has been made that the minority ministry should resign without meeting the legislature. The Governor would then offer office to the Congress, and if they decline it, and (as would *ex hypothesi* be the case) the minority ministry equally declined it and no alternative minority ministry could be formed, the Governor would take power at once, and without summoning the legislature under Section 93.

11. I proceed to examine these various courses of action seriatim.

Assumption of full power under Section 93

12. As regards the first alternative referred to above, it is clearly essential in the circumstances under discussion to take power under Section 93 to secure supply and possibly the passing of certain other legislation. On the question of the period for which those powers must be assumed, the initial proclamation under Section 93 will expire within six months, and we must I think be guided by circumstances as regards any extension under the provisions of section 93(3). I will say only at this stage that in the event of a breakdown we must I think be prepared to face the probable necessity (though I admit that this does not necessarily operate in respect of all Provinces and that the fullest weight must be given to local conditions) for conducting, subject to the passing by Parliament of the requisite resolutions under Section 93 (3), the administration of some, if not all, of the Provinces with a Congress majority under the provisions of that Section for some considerable time. I would for all that, as at present advised, in this event attach an even greater importance than otherwise to maintaining as close a contact as possible with the Congress, whether directly or through intermediaries, and more particularly with moderate Congress opinion, with a view to taking advantage without delay of any modification in their attitude towards office acceptance. (The importance, if any substantial evidence of an impending split emerges, of watching for a possible Chief Minister other than the accredited leader of the Congress Party will of course be present to you.) And I would lose no opportunity of reiterating publicly that office was at the disposal of the majority party in the legislature whenever they cared to take it within the provisions of the Act; and that it was with the utmost reluctance that we were left with no option, by their refusal, but to carry on the administration under the provisions Section 93 of the Act.

Partial assumption of power under Section 93

13. The second alternative referred to in paragraph 9 has, I venture to think, *prima facie* much to commend it, more particularly in its

reactions on moderate opinion in this country and on parliamentary and public opinion at home. It emphasizes the extreme reluctance with which the Governor has assumed control of any of the powers which normally fall to be exercised by the legislature, and it makes it clear that the powers which he has in fact so assumed under the provisions of Section 93 are the minimum requisite for the proper functioning of the administration of the Province. Moreover, once supply has been obtained, it might well be easier to withdraw from the cover of Section 93 and allow the legislature to continue to function over the whole field of administration within its purview. I doubt, however, as at present advised, whether in practice this course is likely in present circumstances to be sound or desirable. I am much impressed by the suggestion which has been made to me by more than one Governor that to leave a legislature in being in circumstances in which the government is not in a majority is merely to provide a sounding board for irresponsible and possibly even seditious comment and criticism; that there is nothing which would more appeal to a certain type of parliamentary representative than the freedom to criticize without responsibility; that the life of the ministry, which *ex hypothesi* would be a minority ministry, would be humiliating to a degree, to the extent that they would never know what measures they could rely on getting through, and that they would be subject to continual harassment at the hands of opponents who would not scruple to use all the weapons available to them. My own conclusion, at this stage, and subject to your views, and those of other Governors whom I am addressing, is therefore on the whole that if we are unable to persuade Congress either to assume the responsibility of Government within the framework of the Act, or to allow what are now minority ministries to carry through supply and essential legislation, it would be better to face the issue at once, and, subject always to the special conditions of individual Provinces, to take over complete control under Section 93, if and when it proves impossible to persuade Congress to take office and to vote supply.

Dissolution

14. As regards dissolution, whatever may be the position subsequently, dissolution would not meet the situation which will exist at the end of September if Congress will not accept office and the budget has not been passed, for the Governor will automatically be driven to the use of Section 93. But in any event I have throughout been of opinion that it would be a grave tactical error to dissolve on the defeat of a minority ministry by a Congress majority. I should have expected the effect of dissolution generally to be in strengthening the Congress party rather than otherwise, for it is I think the lesson of all constitutional history that dissolution in circumstances such as these with which we are now

confronted tends to strengthen the Left. Apart from this, the financial burden imposed on candidates by a dissolution is substantial, and not all supporters of a more conservative policy in provincial affairs or of the minority ministries, have at their disposal the admirable organization and the army of volunteers available to the Congress. I am confirmed, moreover, in my feeling that dissolution would be a serious error, by reports which I have received from certain of the provinces with a Congress majority. Those reports go to make it clear that the disheartening effect upon the supporters of minority governments would be substantial. My own view, for what it is worth, is therefore very strongly that we ought at any cost to resist dissolution and to postpone going to the country for some considerable time, perhaps even for a couple of years or longer.

15. I am fully alive to the tactical importance, on the assumption that we do not contemplate a dissolution, of letting this be known without delay to Congress, for I realise how great an effect this knowledge may, as certain Governors have urged on me, have on the attitude of moderate Congress supporters. I am however reluctant to contemplate a formal and public statement, which might both here and at home have the appearance of a challenge, and be turned to advantage by the Left Wing as evidence of our stiff and unbending attitude. What, subject to your views and those of other Governors, I am disposed to suggest is that steps should forthwith be taken informally and in conversation, or through third parties, to let it be known that, while the matter remains open, there is every reason to anticipate that in the event of a breakdown the Governor will in no circumstances contemplate a dissolution. I conceive that the matter could effectively be handled in this way, but I would much welcome your views.

Resignation by a minority ministry before meeting legislature

16. The suggestion that a minority ministry might resign without meeting the legislature is an interesting possibility, which has been suggested by two Governors, and which I have examined with the utmost care. My considered opinion is, however, in the result that action on these lines would be highly inexpedient, and that the further suggestion that a Governor should go straight into Section 93 is impracticable. In the first place, it is arguable that, once the Assembly has been elected, the provisions of Section 62(3) are mandatory, and the only effect of prior resignation would be to leave the Governor with no ministry to face that legislature. But there is in addition the further objection, of a fundamental character, that it suggests a closeness of understanding between the Governor and a particular political party as against another political party which would, I venture to think, definitely be contrary to the best constitutional traditions. The Governor

would run the risk of being associated with what would in effect be (or could be represented as being) a manoeuvre by which he would pass into Section 93 without the legislature being given an opportunity to decide whether the Ministers are to have their confidence. And you will, I think, agree that even if in fact there was no such understanding between the Governor and his ministry, it would be exceedingly difficult to avoid or to counter the suggestion that the resignation with the consequences which flowed from it was an arranged affair. I feel that all Governors will be as concerned as I am myself, to ensure that our attitude is one of, if anything, excessive correctitude in dealing with the political issues now confronting us. Apart from that, I am very apprehensive of the effect on opinion both here and at home of the adoption of the suggestion, attractive in some ways as it appears to be. So far as opinion in India is concerned, we are already subject to a not inconsiderable volume of criticism on the ground that minority ministries dare not face the legislatures since they know quite well that once they do face the legislatures, they will be defeated. There are good reasons, accepted by all of us, for the delays which are taking place in summoning legislatures, but I would judge myself that were a ministry to resign without facing the legislature (unpleasant as I readily agree the task of defending itself against a majority in the legislature would almost certainly be), their action could not fail to elicit an opinion of the timidity of the ministry and of the shallowness of its claims to have held office, which could not but be most damaging both to the future political career of the individuals who had composed that ministry, and to the Governor who had called it into being. So far as reactions at home are concerned, I would expect them to be definitely adverse, and I would anticipate comment directly to suggest either that the system had completely broken down, or that we could find no one whether in or outside Congress to work the provisions of the Act. I am therefore, as at present advised, definitely disposed to think that, while ministers must of course in the last resort take their own decision, the course now under discussion is one which, if ministers show any sign of favouring it, we should dissuade them from adopting, and that the wise course would be that ministries should in all the Provinces with a Congress majority face the legislature. It goes without saying that when they do face the legislature, they would do so with the best programme possible, and that they will make every effort to place the opposition in the dilemma of having to reject beneficent legislation (e.g., tenancy reform or the like), or, by accepting (possibly with certain modifications) the proposals of a minority ministry, of enhancing the status of that ministry and of those who compose it.

17. I have set out above as fully and as frankly as possible my present view on these various methods of dealing with the situation which is

likely, unless, as I hope may be the case, there is a change in the attitude of Congress, to confront Governors in Provinces with a Congress majority. I need not say that I shall welcome any criticisms or any suggestions which you may care to offer, and I would propose at a later stage, when I have heard from the different Governors, again to address you, and to communicate any further comments or suggestions which may arise out of this correspondence. Nor need I add that my advice and assistance is always at your disposal in examining possible courses of action and their consequences.

Discussion with minority ministries of policy in event of a breakdown, etc.

18. I now turn to certain other points affecting our general policy which are, or which may later become, of importance. In the first place, as things are, Governors in most Provinces in which Congress is in a majority are working with ministers who have either previously served them under the old constitution or who represent those stable and conservative elements on which Governors have in the past to so large an extent depended. Moreover, those ministers are working the Act, and they have taken office in circumstances of great difficulty, and in a manner which reflects the utmost credit upon them. The natural tendency in these circumstances, more particularly given the importance of estimating accurately the probable reaction on responsible Indian opinion of the adoption of a particular course, is to take one's ministry very fully into one's confidence. It is clearly essential that there should exist between the Governor and his ministry relations of the closest confidence and understanding, and I do not wish for a moment to be taken as suggesting anything to the contrary. On the other hand, I venture to suggest that you will probably agree with me as to the wisdom of refraining from discussing in too great detail, even with the most trusted ministers, certain of the alternative courses of action open to us, or letting it be known in what direction our minds are likely to move in certain circumstances. It is in my view of the utmost importance that a Governor should strictly maintain his extraparty position, and it is equally relevant that even at the moment one is dealing, in dealing with one's ministry, with a particular party, one must carefully watch to avoid being identified with it. My own instinct would therefore be to refrain from any too full disclosure to one's Chief Minister or one's ministry of one's attitude towards possible courses of action. To take an example. The question of full or partial resumption of power under Section 93 is a matter of real delicacy in which a decision must rest entirely with the Governor, and as to which it would be both unfair and inexpedient to place the least vestige of responsibility upon any Minister. It is equally important in my view (and this is a point which will call for the most careful consideration in the selection of advisers or counsellors where

any such question arises consequent on the use of Section 93) to avoid most scrupulously anything which would allow impression to develop that there is in effect an alliance between the Governor and the minority ministry, or that ministry can in effect hope to continue even in the event of a breakdown to have a material share in the government of the Province through the selection of persons from its number as advisers or the like. I do not, however, propose to develop this last point in the present letter.

Maintenance of contact with Congress

19. Secondly, the Secretary of State and, I understand, the Cabinet also are anxious that contact should be maintained between Governor and the provincial leaders of the Congress Party, and particularly with the more moderate elements in that party. I am not myself aware how far, if at all, you have thought it expedient to maintain, directly or indirectly, the touch with Congress established at the time you invited the local leader of that party to take office. The object which the Secretary of State has in mind in urging the maintenance of contact with Congress is of course to perpetuate the mollifying effects of personal touch and to ensure that the governor may be in a position to foster and encourage any tendency towards office acceptance that may emerge, and to leave Congress leaders on their part if they so desire free to consult the Governor. The suggestion has indeed in the same connection been put forward, and I would welcome your views on it by telegram, for it is clearly directly relevant to any exploration of the situation such as that referred to in paragraph 3 above, that it would be worth considering whether there is any definite step which might be taken, not necessarily by all six Governors simultaneously, with a view to attracting the support of the more reasonable Congressmen. (Here as elsewhere it would of course be necessary to make sure that action was not misunderstood by the minority ministry, but, given their public declarations, difficulty would be unlikely, I imagine, to arise on that point.) I know how fully you realise the value of personal contact and I am well aware, too, of the impression made at home by the fact that the discussions, infructuous as they were, between you and Mr. Kher in connection with office acceptance proceeded on so friendly and reasonable a basis. The apprehensions of the more intransigent elements in the Congress of the probable beneficial effects of such contacts are well illustrated by the resolution recently passed by the Working Committee in regard to contact between Congress members of legislatures and ministers (even in Provinces in which Congress is in a minority), and those apprehensions lend, in my view, no small support to the suggestion which I now make. I am very conscious that, in making that suggestion, I am pushing an open door, and that all Governors are fully alive to the importance of maintaining and developing these contacts, whether directly or through intermediaries,

to the utmost extent possible. My object in mentioning the matter at this stage is only to make clear the attitude in the matter of the Secretary of State and the Cabinet, and to take an opportunity to ascertain your view on this aspect of the question generally.

Issue of dismissal versus resignation

20. A third point (which is on a rather different plane from those referred to in paragraphs 18 and 19) to which I would like to refer, is the issue of dismissal versus resignation, to which, as I mentioned in paragraph I above, the Congress demand now appears to have reduced itself. I am satisfied that our position constitutionally is in this matter impregnable, but I feel that you will see advantage in taking such opportunities as may offer to dissipate without the introduction of any controversial element, the notion that the Congress demand is justified by the terms of the Act, or by constitutional practice, or that it is one which is free from real danger from the point of view of Congress itself. The constitutional position is that responsible Ministers, unable to secure the support of the Governor on a matter in which a final power rests with him, and which they regard as of fundamental importance, withdraw their co-operation and the support which they command in the legislature, from the Governor. A Governor might in theory be justified in the appeal to the country which a dissolution represents if in matters lying within the control of the ministry he was satisfied that the danger of a course which the ministry was following and the absence of support for that course in the Province was such that the public interest could be secured in no other way. Clearly however such action could be justified only in the most extreme cases, and the Governor's position would become impossible were the popular verdict to be against him; and so far as the present position, in which the essential issue is resignation over a matter which has attracted the special responsibilities is concerned, it does not arise. So far as the Congress themselves are concerned, *prima facie* a much more dignified course would be to tender one's resignation to the Governor when one is no longer able to work in harmony with him over some matter of vital principle than to be dismissed, though I fully recognize that the anxiety of Congress to secure the acceptance of the principle that dismissal must follow on disagreement results directly from their recognition of the electoral value of such a situation. It would not be difficult to suggest, hypothetical cases to support the view that dismissal might not be to the immediate advantage of Congress, and that a Governor might, e.g., pick a quarrel with a minister whom he wanted to get rid of on some point affecting the special responsibilities and dismiss him (even though the minister was not himself prepared to resign on the point in issue

consequent on such disagreement). But obviously examples must be used with extreme care so as to avoid the suggestion that we are for the moment contemplating that Governors would act in such a way, and you will probably feel it preferable that any reference you may make should be in general terms. I observe with interest that within the Congress itself there appears to be a marked difference of opinion as to the relative merits of dismissal and resignation, and that the loss of face which dismissal might involve has not escaped notice.

General objective of our policy

21. If I may add a last word it is to say that I am sure you share my view that in handling the difficult and complicated situation which now confronts us, it is essential that we should mould our policy on a long view, and be guided less by considerations of immediate political advantage than by our estimate of the ultimate repercussions over a period of years of the adoption of any particular course. So long as the present Act is in operation, and so long as Congress represent the largest party in the legislatures, it must inevitably be our object to secure the help of Congress in carrying on the administration. That Congress in office may confront us with real and serious difficulties, I fully accept; that either individual members of Congress or Congress as a party may endeavour to turn office acceptance to ends detrimental to good government, we must equally be prepared to face. Those dangers were foreseen when the Act was framed, and such weight as was possible has been given to them. If they materialize, we are not without means of dealing with them effectively, but the fact that they exist cannot be allowed (and on this I am sure that you will wholly share my view) to deter us from leaving nothing undone to secure that the normal working of that Act shall be brought into being as soon as possible, and to ensure that public opinion, whether in India or in the United Kingdom, or in America and other foreign countries (in which developments since that 1st of April have been watched with close attention) shall have nothing to reproach us with. The steps we have taken, and the powers which we have transferred, represent the acceptance on our part of a very serious responsibility, given our obligation for the good government of the country. But these steps have been taken and these powers given after mature consideration of the arguments on both sides. Their extent is the measure of the opportunity which we offer to any party in India which is prepared to work with us, and it must be our object, as it is I am confident our hope, to secure that advantage shall be taken of them by whatever party represents the majority of electors of this country.

Yours Ever,
LINLITHGOW.

260

Erskine to Linlithgow Regarding Reaction to the Secretary of State's Speech in the House of Lords

Linlithgow Papers

GOVT. HOUSE, OOTACAMUND

18 May 1937

MY DEAR LINLITHGOW,

The chief events in this Presidency during the past fortnight have been the very good reception by the public and most of the press of the Secretary of State's last speech in the House of Lords, a meeting of the Madras Congress Members of the Legislatures, and a convention of the Justice Party.

As to Zetland's speech, it has certainly brought about a considerable alteration in the situation. Papers like the *Madras Mail* and even the *Hindu* have commented on its contents in a most favourable manner, and the remnants of the old Liberals, such as Sivaswami Ayyar and Venkatarama Sastri, have also, for the time being, descended from their fence and become critical of the official Congress attitude. It has also had a considerable effect inside the Madras Congress Party itself, though nothing has so far been allowed to show on the surface of that organisation.

But I enclose a full C.I.D. report of the proceedings of the Congress Party meeting which will probably be of interest. There is undoubtedly a growing body of opinion inside the Madras Congress that they should accept Office, but in my view it will be most difficult for them to do so, unless they can persuade Gandhi and the Central Committee to accept their view. At any rate I do not think that Rajagopalachariar will lead a break-away, for he is far too much a part of the inner Congress ring to separate himself so obviously from his colleagues and, besides, he is himself a relation of Gandhi's. It is possible, if the Working Committee stick to their present attitude of intransigence, that Rajagopalachari may resign, wash his hands of the whole business and retire to his village, from whence he was dragged with genuine reluctance some six months ago.

In that case I do not know what would happen, as he is the only person who can hold the Congress Party in this Presidency together and without him they are merely a collection of inefficient individuals. However, the situation changes from day to day and it is not possible as yet to give any real indication of what will happen when the Legislature

meets, except to say that the present Ministers will undoubtedly be beaten.

At the General Body meeting later in the day copies of the resolution were circulated. B. Sambamurthi and a few others who are strongly against Office acceptance opposed it strongly on the ground that Lord Zetland's statement did not go nearly far enough and did not meet the Congress demand for assurances. This view was opposed by the majority of members present who are anxious to take Office. It did not suit C. Rajagopalachari as it is not the All-India Congress Committee's policy which he is anxious to obey to the letter. The copies of the resolution which had been distributed were then collected. The meeting refused to pass any resolution mentioning the point of dismissal or resignation of Ministers, as it feared that should Congress again be invited to form a Ministry, such a resolution would give the Congress leader the opportunity to refuse Office again unless he was given an assurance on the point by the Governor. No resolutions were passed officially, but C. Rajagopalachari obtained the definite opinion of the meeting that Lord Zetland's statement was satisfactory and that if His Excellency the Governor invited the party leader to form a ministry, he should "proceed further". These two opinions, it seems, were at once communicated to the All-India Congress Committee. On 10th the *Hindu* published a statement on the meetings issued by the Secretary of the Congress Legislative Party, the statement does not mention the resolution, but says "that the party expressed itself unanimously in agreement with the leader in regard to the impressions over the Secretary of State's statement and authorised the leader to speak and act on their behalf in this matter".

At the beginning of the General Body meeting there was a demand that in order that the discussions should be frank, the press and public should be excluded. C. Rajagopalachari, knowing that the members would not in public go contrary to the All-India Congress Committee's policy and would pass the resolution almost without debate, urged that they should remain. After a lengthy discussion the press and public were excluded by an overwhelming majority.

The vast majority of those present at the meeting were strongly in favour of accepting Office at once. A suggestion was made that Madras should give the All-India Congress Committee a lead.

C. Rajagopalachari wishes to follow the All-India Congress Committee's policy, which is dictated by Mr. Gandhi, to the letter, even though it may be against his own opinion and that of his followers, but, despite his success with malcontents during his recent tours, he is quite unable to dominate Madras Congressmen as Mr. Gandhi dominates the All-India Congress Committee.

The large majority of those Congress M.L.As. who were not present at the meeting are almost certainly in favour of Office acceptance.

Fortnightly Report for the First Half of May 1937

Political—The celebration of Coronation Day throughout the Presidency was strikingly successful and in spite of the deliberate apathy of the Congress evoked a response remarkable for its spontaneity. From present reports there appear to have been no attempts at counter-demonstration.

Though Congress activity in the Districts still continues, it has been considerably lessened during the fortnight under review. There is little doubt that the Secretary of State's recent pronouncement has had a considerable effect on the local leaders who consider it satisfactory on the question of "assurances": there has not yet been sufficient time to work up enthusiasm over the new point of dismissal as against resignation. Congress activity has therefore been mainly confined to attacking the interim ministry and attempting to improve Congress organization in the villages.

A majority of members of the legislatures signed a demand for the summoning of the Assembly which was sent to His Excellency the Governor by Mr. Rajagopalachari. On the 9th a meeting of 131 Congress Legislators met and endorsed this action of their leader: they also passed resolutions declaring that the latest statement of the Secretary of State was unsatisfactory and expressing want of confidence in the present ministry.

A private conference of prominent members of the Justice Party was held on the 8th and on the following day the Raja of Bobbili presided over a meeting of the executive committee of the South Indian Liberal Federation summoned to devise means for propagating the ideals of the party and maintaining close contact with the masses. Two propaganda Committees, one for the Tamil and other for the Telugu Districts, were constituted. The Raja of Bobbili was authorised to consult other parties with a view to join hands with all constitutional elements for the normal working of the Act. A resolution was passed that it was an undesirable precedent to call upon persons not elected to the legislature to form a ministry.

In Malabar District E. Moidu Moulvi, a Mappilla who carries some weight with the younger men, is working hard to secure Mappilla adherents to the Congress Party, but it seems likely on the whole that the Mappillas will adhere to the Muslim League.

The Congress Party secured 32 out of 59 seats in the recent District Board election in Malabar. A notable feature of the elections was that in two instances non-Congressmen who are local magnates quite easily

defeated the Congress candidates in spite of strenuous efforts by the Congress organizations: and it appears that independent candidates generally were rather too afraid of the imagined certainty of failure if they opposed Congressmen.

May Day was celebrated in several Districts mainly at the instance of the Congress Socialist Party. The celebrations received little support. Meetings in Madras City were prohibited owing to the then existing state of communal tension.

Ranga continues his activities. His local sympathisers in the North Arcot District as a sequel to the formation by Ranga last month of a North Arcot Kisan Sangam toured the District with a view to forming village Sangams. Their tour was unsuccessful and it is noteworthy that their pleas were in one or two places opposed by Congressmen who advised the people to follow Gandhi's rather than Ranga's lead. Ranga has refused to admit police to his Summer School of Economics at Nidubrole in the Guntur District following the example, or under the instructions, of Kameswara Rao who has started a similar and well-attended school at Kottapatnam. There is sufficient evidence to show that the instruction in at least one of these schools is of a highly dangerous type. The first meeting of Kameswara Rao's school ended with cries of "Up with Revolution". This Government is separately considering the advisability of declaring one or both of these bodies unlawful associations or of taking other drastic action against them.

Communal.—The state of communal disturbance and tension in Madras City which started with a trivial incident on the night of the 27th April and lasted till 5th May has been separately reported. In all 153 persons in the area were arrested and 131 have since been convicted, fined and bound over. Investigation into the case of murder by stabbing of a Hindu on 30th April 1937 in the area continues.

Labour—A new Union for S.I. Ry. workers has been started through the efforts of Mr. K.A. Chari.

Communal—The state of communal disturbance and tension has been taken against newspapers or presses.

Press—Lord Zetland's recent pronouncement has had a considerable effect on the tone of the *Hindu*. It suggests that His Excellency the Governor should call again upon Mr. Rajagopalachari to form a Congress ministry and hints broadly that if Mr. Rajagopalachari were so called, there would be no difficulty in Congress now accepting. The *Hindu* also published a remarkable leader on the Coronation of His Majesty the King-Emperor in which expressions of loyalty were coupled with an obvious hope that India should gain not the doubtful benefits of independence, but the real advantages of Dominion Status within the Empire.

The *Hindu* and the *Indian Express* both wrote at considerable length on the rumour that the findings of the Palestine Commission would involve partition and it is evident that any proposal which can be interpreted as being unfair to the Arabs will be made full use of by the Congress press.

An attempt to use the existing political situation to lower the prestige of His Excellency the Governor and of His Excellency the Viceroy has been for some time noticeable especially in the vernacular Press. There have been constant attempts to combine criticisms of the ministry with criticisms of the Governor: the *Krishna Patrika*, a Telugu newspaper, has recently called His Excellency the Viceroy "a postman meant to convey Mails between the Secretary of State and the Governors".

*Resolutions Passed at the Meeting of the South Indian Liberal Federation
Executive (Justice-Party) Held on the 9th May 1937*

1(a) Resolved that this Committee places on record its deep sense of sorrow at the demise of Dewan Bahadur Dr. C. Natesa Mudaliar, who has rendered invaluable services to the Party and to the country.

(b) Resolved that this Committee expresses its deep sense of sorrow at the demise of S. Jaganadha Rao Naidu and Rao Sahib C.K. Reddy.

2. That this meeting of the Executive of the Justice Party most respectfully offers its warmest congratulations to Their Imperial Majesties the King-Emperor and the Queen-Empress of India on Their Coronation and wishes them long life and happiness of every kind.

Sir Mahomed Usman proposed and Mr. B. Ramachandra Reddi seconded. The resolution was carried.

3. That this meeting of the Executive of the Justice Party appeals to the public of the Presidency of Madras to take an active part in the celebrations of Their Majesties' Coronation and make them a grand success.

Sir Mahomed Usman proposed and Mr. B. Ramachandra Reddi seconded. The resolution was carried.

CONFIDENCE IN THE LEADER

4. That this meeting of the Executive of the Justice Party places on record its full confidence in the Raja of Bobbili as the Leader of the Party.

Sir Mahomed Usman proposed and Mr. B. Ramachandra Reddi seconded. The resolution was carried.

5. This Committee reiterates the declared policy of the South Indian Liberal Federation that while in its opinion the Government of India Act does not satisfy the legitimate aspirations of the Indian people, the Committee will, by all constitutional and lawful means, work

towards the establishment at an early date of responsible form of Government of the type prevailing in the British Dominions.

Mr. T. Sundara Rao Naidu proposed and Dewan Bahadur M. Gopalaswami Mudaliar seconded. The resolution was carried.

6. While recognising the various defects in the structure and the provisions of the Government of India Act, this Committee reiterates its views that with goodwill and co-operation between the Ministers and the Provincial Governors the Act can be worked so as to secure substantial benefits to the masses, especially in view of the statements made by the Under Secretary of State in the House of Commons and by His Majesty's Secretary of State for India in the House of Lords that it is not the intention of His Majesty's Government that the Governors by a narrow or legalistic interpretation of their own responsibilities would trench upon the wide powers which it was the purpose of Parliament to place in the hands of the Ministers.

Mr. S.G. Rangaramanuja Mudaliar proposed and Mr. W.S. Krishnaswamy Naidu seconded. The resolution was carried.

LORD ZETLAND'S STATEMENT

7. Having carefully considered the resolutions passed by the Working Committee of the Indian National Congress and the All-India Congress Committee and the statements made by the Leaders of the Congress, this Committee is of opinion that the Congress Party have shirked their responsibilities to the electorate in refusing to take up Office. In the light of the responsible pronouncements made by the Under Secretary of State for India and His Majesty's Secretary of State on the 6th May, this Committee is of opinion that there is no cause for apprehension that the Provincial Governors would unduly interfere with the Ministers.

Mr. S.G. Rangaramanuja Mudaliar moved the resolution and Dewan Bahadur M. Gopalaswami Mudaliar seconded. The resolution was carried.

8. This Committee is of opinion that the effect of the Congress Party's refusing to take up office is to abrogate the beneficial provisions of the Government of India Act and to bring about a suspension of the constitution, thereby depriving the people of India of powers and responsibilities obtained by them. In the light of this serious development this Committee appeals to all constitutional elements in the Province to join hands and take steps to see that conditions are created for the normal working of the Government of India Act and for devising within the framework of that Act ways and means of ameliorating the condition of the masses and the Leader of the Party is authorised to have consultation with other political parties having the above-said object.

Mr. A.V. Bhanoji Rao moved and Mr. S.G. Rangaramanuja Mudaliar seconded. The resolution was carried.

9. This Committee has noted that Mr. Pannirselvam and the Kumararajah of Chettinad have accepted their places in the Council of Ministers in their individual capacity after consultation with such of the leading members of the Party including the Leader as were available at Madras at the time of the formation of the Ministry.

Moved by the Chair and carried.

CONSTITUTIONAL PROPRIETIES FLOUTED.

10. This Committee is of opinion that so long as action has not been taken under Section 93 of the Government of India Act, it is an undesirable constitutional precedent to call upon persons who have not been elected to either Chamber of the Provincial Legislature to form the Ministry.

Moved by Rajah Venkatarangarayanangar and seconded by Dewan Bhadur M. Gopalaswami Mudaliar. The resolution was carried.

261

Memorandum by the Government of India on Indian Provincial Elections

Cabinet Papers No. 24/269

19 May 1937

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

I circulate for the information of my colleagues a confidential Memorandum which I have received from the Government of India. I am intending to publish in the near future a White Paper which will contain detailed statistical information. This Memorandum gives a good general appreciation of the results of the elections.

ZETLAND

INDIA OFFICE

19 May 1937

MEMORANDUM BY THE GOVERNMENT OF INDIA.

The elections were conducted on the whole with remarkable smoothness, though naturally severe strain was put upon the district authorities who, without relief from their ordinary work, were called upon to make the arrangements and to supervise the polling of an

immense electorate, the majority of whom were voting for the first time in their lives. Inevitably, there has been a considerable dislocation of district work, and this may have a bad effect on the criminal administration and on the duration of trials in court. There have been reports too of damage to roads by the numerous motor lorries used for taking electors to the polls which it will take some time to repair. The number of candidates who stood for election was great, and enormous sums of money have been put into circulation. Many candidates have spent more money than they can really afford and will probably not be anxious to stand for election again. In every Province some incidents of rowdyism occurred, and the election tactics of parties, not least of all the Congress, were not always scrupulous. In spite of this, however, reports show that throughout India, even where Congress candidates were returned with large majorities, the relations between the polling staff and police and the voters have been excellent, without any trace of animosity, and great credit is reflected on the authorities entrusted with the carrying out of a difficult task.

The outstanding result of the election has been the large measure of success attained by the Congress. Primarily their success has been due to organisation, both internal and external. Internally, at least for the duration of the elections, the "higher command" of the party succeeded in maintaining a strict discipline over Congress candidates. Malcontents or members who stood in opposition to official candidates were severely dealt with and expelled from the party, and, although there is reason to believe that a number of candidates who stood on the Congress ticket were not in full sympathy with Congress aims, no qualification of the Congress electoral programme was permitted. Discipline among other parties opposed to Congress has been, at least in Provinces where Congress has secured an absolute majority, equally conspicuous by its absence. In many instances a multiplicity of candidates have contested one seat, and there is reason to believe that a number of candidates stood merely in order to secure a bargaining counter for their subsequent withdrawal. The Congress majorities, however, have been generally big enough to win the seats even had the opposing parties succeeded in putting forward only one candidate for each seat, and in some Provinces the number of non-Congress candidates who forfeited their deposits was remarkable. For example, in Bihar over 50 per cent. of non-Congress candidates forfeited their deposits. This lack of cohesion and failure to sink local jealousies and rivalries has effectively prevented any agreed programme in opposition to Congress.

Externally also the Congress were the only organised party in the field. Whereas candidates of other parties, if they carried out any extensive canvassing at all had often to rely on what hired agents they

could muster and...others of all-India reputation cannot be over-estimated. Their result may be short-lived, but their immediate effect was very great. In this respect the Congress were greatly helped by the different dates of the elections in the various Provinces, which allowed their leaders to pay attention to each in turn. Throughout the elections have shown the value to an electoral cause of men of all-India reputation. By appealing to party pride these leaders were able in their tours to stop for the time being the disintegrating effects of local rivalries. It is noticeable, however, that where there was an organisation to oppose them, the Congress did not fare so well. Thus in the eastern rural districts of the Punjab, where, under the leadership of Rao Bahadur Chhotu Ram, a political organisation has been built up in past years, the electorate, largely consisting of Jats, Rajputs, Ahirs and Gajars, still preferred their tribal leaders and rejected every Congress candidate, although in the adjoining (sic: adjoining) rural districts of the United Provinces with a population of much the same type, the Congress were largely successful. In certain areas of the Central Provinces the aboriginal tribes also preferred their own local candidates, presumably because of their natural conservatism, or because their country is comparatively inaccessible to widespread propaganda from outside. Generally speaking, however, the elections have shown conclusively that individuals, however influential and public-spirited, who rely on their local prestige and position alone, cannot stand up against organised propaganda and an organised party, however unknown and insignificant may be the candidate nominated by the Party.

An estimate must be made of the extent to which the Congress majorities reflect the real opinion of the electorate on the issue of independence and the wrecking of the new Constitution, the declared aim of the Congress Party. There can be no doubt that the name of the Congress, with its historical record of patriotic effort and the all-India reputation of many of its leaders, has a wide appeal to Hindus, if not indeed to Indians as a whole. The strength of this appeal should not be under-estimated, and must largely account for the total of votes cast in favour of Congress candidates. The majorities show that many people, including officials, in town and country, who cannot conceivably have any sympathy for revolutionary policies, must have voted for the Congress. Apart, however, from this general appeal, there were other and perhaps more important causes for the success of Congress. In certain Provinces there were local reasons; for example, in Madras the opposite party, the Justice or non-Brahman party, have been in office for 15 years, and the electorate may well have wished for a change. In Bihar some of the less backward electors are reported to have voted for Congress because they had found that forced labour and other illegal exactions imposed by landlords had decreased as a result of Kisan

agitation. In India as a whole there cannot be the least doubt that many of the electorate who voted for the first time were unfitted to exercise the franchise intelligently. Many had little notion of what the election was about. In backward rural areas the Congress propaganda in the main took two forms, the first a declaration that a vote for Congress meant a vote for Mr. Gandhi, and the second the making of the wildest and most irresponsible promises, coupled with violent attacks upon Government and upon the landlords. Reports have come in from many Provinces that villagers were told that the Congress voting box was the Gandhi box, or even the "sarkari" or Government box. The Congress volunteers succeeded in arousing a wave of pro-Gandhi frenzy. Villagers in some constituencies were informed that all ballot papers dropped into the Congress box would go straight to Mahatma Gandhi, and that persons who voted in this way would secure large reductions in rent, while persons who voted against the Congress would lose their lands altogether. They were also told that the victory of the Congress box would be followed by the repeal of unpopular laws. These stories were so implicitly believed that many voters came to look upon the Congress box as invested with supernatural qualities. In some instances prayers were made to the box, and letters and petitions to Mr. Gandhi, and even sums of money, were found in the box. In Orissa, some villagers believed that if Congress were successful Mr. Gandhi would become Maharaja. An electorate such as this fell an easy prey to promises of wholesale rent remission, only at present prevented by the presence of the British Government in India and the Constitution which they were imposing upon India, and of remission from taxation and cancellation of debts. Force was lent to these promises by the fact that Government, as a neutral, issued no refutation. In Bihar, reports showed that the old electorate were inclined to support their old candidates, and the new electorate voted for Congress, propaganda being directed more against the landlords than against Government.

Government's attitude of neutrality has been an important factor in the elections. The debates in the Legislative Assembly on Government interference in the elections have in certain cases been used to overawe subordinate Government servants. The Congress have been at pains to show that in this election there are but two parties, the Congress and Government. This fits in entirely with the villager's view of the position, since he has come to look upon Congress as synonymous with sedition. It passed his comprehension that Government should not interfere against the Congress unless Government were afraid of that party. Congress were not slow to take advantage of this belief; meetings were held near Government offices and police stations; speeches were as seditious as they could be without incurring the certainty of prosecution,

and every effort was made to show that power had passed or was about to pass from the Government to the Congress. Moreover, the villager is not alone in his mystification. Many parties and persons who have supported Government in the past cannot understand Government's neutrality in this election. The villager, trained by circumstance to respect power, voted for the party who appeared at the moment to possess power.

It would, therefore, probably be true to say that the Congress majorities do not reflect the real opinion of the electorate on the declared aims of the Congress Party, but it is equally true that the elections have made a wide, if still a not very deep, impression upon the countryside. There has been a stirring of political consciousness. Discontent has been roused, hatred of Government and of the landlords widely preached, and hopes raised of a golden age. Reports received immediately after the elections from some Provinces, and in particular in the United Provinces, seemed to indicate that there had been a marked deterioration in the attitude of the people towards Government. Subsequent reports, however, received after the actual excitement had subsided, have been reassuring. The prestige of the Congress has been greatly enhanced, but mainly at the expense of the landlords, whose influence may have been permanently impaired. There is no reason to suppose that the authority of the district officers has suffered appreciably, though there have been reports of a growing tendency in some Provinces for cultivators to take their grievances to the local Congress leaders or members of the Legislature who give out that reports made to them will receive the attention of the district authorities. To what extent Congress will be able further to foment unrest is at present a matter for conjecture.

What has been said in the previous paragraphs applies mainly to general constituencies in Provinces in which Congress has secured an absolute majority. Only in Sind and in the North-West Frontier Province were religious issues raised. In these Provinces results turned largely on individual personalities, rivalries and tribal loyalties, although in the Peshawar and Mardan constituencies the issue upon which the election was fought was clear-cut, Redshirts against the rest. In most of these constituencies the Redshirts won with clear majorities. In the Muslim constituencies in the Punjab general questions of policy counted little, and electors chose their local leaders. In Sikh and Hindu constituencies election propaganda was, however, directed against Government. In spite of some unexpected Congress successes in the towns, the Unionist Party secured a clear majority, and the failure of Congress in the rural areas of the Punjab was remarkable. The Congress successes in the towns were almost entirely won at the expense of the Nationalist Progressive Party representing the Hindus of the Hindu Sabha school.

As in the Central Provinces, the feelings of the Congress against this party were very bitter indeed, and prominent men such as Pandit Madan Mohan Malaviya and others failed to secure a hearing at Amritsar, Lahore and elsewhere, their meetings being broken up on almost every occasion by Congress supporters. In Bengal, Congress won more seats than was expected. Although there is reason to believe that Fazlul Haq and the Proja Party were supported by the Congress, the risk of Congress claiming hegemony on the score of numbers has acted as a stimulus to efforts to secure Muslim unity, and Fazlul Haq appears, for the time being, to have thrown over his Congress supporters. One noticeable feature of the elections has been the general rejection of Congress candidates by Muslim voters and the partial failure of Congress in scheduled caste constituencies. In Bombay, Congress secured only 4 out of 15 Scheduled Caste seats and in Bengal 7 out of 30...

Information regarding the voting for Upper Houses is at present meagre. In Bihar, in spite of the sweeping victory of Congress in the Assembly elections, no Congress candidate was elected by direct election, and in the United Provinces, Assam and Bengal the Congress majorities in the Lower Houses have not been reflected in the Upper Houses. The results, however, in Bombay and Madras show that Congress appeal to the upper class electorate is strong in these Provinces.

262

AICC Newsletter on Congress Success in the Elections (Extract)

AICC Papers, F.No./ II-IV/1937

20 May 1937

Signs are evident everywhere that the Congress success has utterly demoralised them and they have hardly the courage to challenge the Congress in the public. The reaction of the puppet ministers to the censure resolutions of the Congress members provides an interesting study for the psycho-analyst. The Ministers of U.P., C.P. and Bombay gave up their case when they expressed publicly their readiness to resign in favour of the Congress whenever called upon to do so admitting thereby their unrepresentative character. But the utter demoralisation of the reactionaries is most palpably evident in connection with the bye-elections. In all the bye-elections so far, the Congress nominees have been returned unopposed. Mr. Ahmed Kidwai Congress candidate,

had an uncontested return in U.P. where all the Congress Muslim candidates were defeated at the general elections. The next notable victory was in the Punjab which had proved a stronghold of the loyalists during the general elections. There Sardar Teja Singh Swatantra, an internee, was returned uncontested. The third uncontested return of the Congress candidate was reported from the Frontier Province and the fourth victory was won in Assam. A fifth uncontested return has just been reported from Madras. The significance of these returns is too patent to be explained. . . .

It should be noted that the unity of the two major communities which is now reaching fruition under the banner of the Congress is not at all based on pacts regarding distribution of the loaves and fishes of office. It is the urge for the economic emancipation of the masses of both the communities which is bringing them together in opposition to the forces of exploiting feudalism strengthened and supported by British Imperialism.

263

Haig to Linlithgow: Broad Endorsement of Viceroy's Views and Conclusions on Political Crisis in India

L/P.O./6/100

Secret & personal.

UNITED PROVINCES,
GOVERNOR'S CAMP
21 May 1937.

I am writing at once in answer to Your Excellency's secret and personal letter of May 18th 1937.¹ I feel I can do so, because I have given a good deal of thought recently to the problems discussed in your letter, and I find myself practically throughout in agreement with Your Excellency's views and conclusions.

2. In the first place, I may deal generally with the considerations stated in para. 21 of your letter. I should like you to understand that I not only acquiesce in these views, but believe in them. In March last the situation in this province appeared to me to be very menacing. Every one with whom I discussed it, and by no means merely the die-hard element, was agreed that Congress would take office with the intention

¹ See No. 259

of preparing the way, after a short time, for a revolutionary movement, and the mischief that could be done by a Congress Government in six months under these conditions would obviously be very great. Nevertheless, I accepted the inevitability of the views expressed by Your Excellency, particularly in your telegram No. 176S, dated the 19th March, 1937, and having made up my mind to a Congress Government I was genuinely disappointed when it became clear on the 24th March that the Congress would not take office. Since that time, the situation in this Province has changed very greatly. As I have explained to Your Excellency in my various reports, the dangerous spirit of elation among the Congress supporters has disappeared and there has been to my mind an increasingly plain development of constitutional ideas among the Congress and indications that a great many of them desire to work the constitution genuinely. As we shall not get any real solution of our difficulties in this Province until the advanced elements have undertaken responsibility and tried their hand at administration, and as the practical dangers of that course have to my mind greatly diminished in the last two months, I am fully in agreement that we should do everything we reasonably can to encourage the Congress now to take office.

3. I am therefore fully in agreement with Your Excellency's intentions, as expressed in paras. 2 and 3 of your letter, to take any steps that may be possible, within the terms of the Act and of the policy hitherto adopted, to facilitate office acceptance. I am afraid, however, I have not been able to think of any definite step that can be taken other than further assurances on the same lines as those already given. An assurance by Your Excellency would certainly be valuable and in my opinion is very desirable; but it has its limitations, for it will be necessary to be careful (and I realise that it is Your Excellency's intention to be careful) not to compromise the fundamental position we have hitherto taken, namely, standing strictly on the basis of the Act, though administering that Act in the most liberal spirit. I say this in particular, because, though the minorities have not been very vocal, I am convinced from a number of conversations, that the minority communities generally, and not merely the Muslims, are profoundly grateful for the line which His Majesty's Government have taken. As to the Muslims, anything which suggests a weakening in the safeguard in section 52 of the Act in regard to minorities would create a situation the outcome of which it would be difficult to foresee; but it might so weaken the position of those who are at present in control of the bulk of Muslim opinion that we might find the Muslims going over as a whole to the Congress. That danger I know is fully before Your Excellency, and there is nothing in your letter which suggests any kind of intention of taking action which might produce such a result. I merely mention the

point because it seems to me that if we are not going to move from our fundamental position, there really is not much that can be done on the lines discussed in paras 2 and 3 of your letter. I am proposing myself to make a speech on Wednesday next the 26th, as mentioned in para 2 of my telegram No. G. 8 dated May 16th. I hope this will fit in with Your Excellency's general plans.

4. I might at this point say a word about the issue of dismissal versus resignation discussed in para 20 of your letter. The question has always presented itself to me in the light of an attack on the principle of para 8 of the Instrument of Instructions. Under that paragraph the Governor, if he finds it necessary to disagree with the advice of his Ministers, takes action in accordance with his own views. It is then left to the Ministers, if they find themselves unable to acquiesce in the action taken by the Governor, to resign. The Congress demand, as I understand it, is that instead of that procedure the Governor, if he differed from his Ministers, should have no power to act inconsistently with their advice, but would be bound, if he felt it necessary to insist on his view, to dismiss his Ministers. This was in fact, as Your Excellency will see from my telegram No. 3-G dated the 24th March, one of the suggestions made to me by Pant in our first interview. It would be equivalent to abandoning the principle laid down in the Instrument of Instructions, and would of course most gravely weaken the power of the Governor to fulfil his special responsibilities. I understand from Your Excellency's letter that there is no question of trying to meet the Congress on this point. I am sure that the Muslims would feel that it would be equivalent to abolishing their safeguards.

5. With regard to the possibility of an early summoning of the Legislature, I have already expressed my views publicly in the letter sent to Parshotam Das Tandon. The arguments I have there used in favour of delay are not merely debating points. I do in fact believe that time is on our side in this matter, and that the longer (within reason) the Congress have to reflect on their position, the more likely they are to come in. There is also some reason to suppose that moderate Congressmen are really in agreement with this view. That is merely a personal impression, and it may well be wrong. But I imagine your Excellency will agree that once the Legislature meets, the question is put to the issue and a definite decision one way or the other will have to be taken by the Congress with little delay. Those therefore, like some of the Europeans, who are beginning now to clamour for an immediate summoning of the Legislatures are really demanding that the question should be put to the issue at once. I doubt whether the Congress would be prepared to reach a decision with Nehru out of India. On the other hand, I recognise that if once the situation is judged to have settled itself one way or the other, it

is not desirable to prolong the state of uncertainty uselessly. Naturally if the Congress gave clear indications that they would take office, we would summon the Legislature at once; and if it became perfectly clear that they would not take office, then again the Legislature should be summoned without undue delay. But in that case I am inclined to think we should give the present Ministry a fair chance of completing their budget and their programme. Our budget can hardly be ready for presentation before the 26th July. That is the date to which my Finance Minister is working, and I understand from him that the Finance Ministers in Bombay and Madras are also working to the same date. I should certainly prefer to delay the summoning of the Legislature till then, subject to any considerations of general policy.

6. I come now to the measures that will have to be taken if the Congress persist in their refusal to take office. I am, as Your Excellency knows, entirely in agreement with you that in this Province we shall have to assume complete power under section 93 and suspend the Legislature; also that dissolution would be constitutionally unnecessary and from the practical point of view a fatal error in our provincial conditions. I quite agree that it would be desirable gradually to let it be known informally that there is no chance of a dissolution.

7. With reference to the question of resignation by the Ministry before meeting the Legislature, I am very strongly in agreement with Your Excellency's views. As to the possibility of passing straight into section 93 without facing the Legislature, it had not occurred to me that such a course could even be contemplated.

8. With reference to para 18 of your letter, I fully agree about not committing oneself to Ministers in regard to the future, particularly as to their part, if any, in the picture. I have been careful not to discuss with any of my Ministers the details of future arrangements, though I have made it plain to them that, in my opinion, if Congress refuse to take office, it would be necessary for me to take over the administration under section 93. I fear that they are all looking to be provided for under these arrangements; but that is evidently out of the question. I am not quite clear whom I should want to take as advisers, and I am entirely uncommitted to any one.

9. With reference to para 19, the question of contact with Congress has been in my mind a good deal in the last week or so. Pant is in Naini Tal, and seems to be in a mood for contact. He rang up Sir Jwala Prasad Srivastava a few days ago and discussed with him for twenty minutes on the telephone the sugarcane situation, and suggested that it might be met on non-party lines. The next day another of my Ministers, the Raja of Tirwa, who used to know Pant in the old days, went to his house and had an hour's conversation with him about the general position. I

understood from Tirwa that Pant naturally did not depart from the general position of Congress in demanding that Ministers should, if necessary, be dismissed, but the fact that he had this long conversation seems to me to indicate a possible inclination towards settlement. Another rather surprising development I have seen in a press telegram this morning, and that is a statement by the publicity committee of the Congress party in the U.P. Legislature explaining in detail what the Congress propose to do if conditions permit them to form the provincial ministry. The whole statement seems to be drafted on the assumption that Congress will take office. There is some impression here that Pant is not only keen to take office, but hopeful that he will be able to. I shall certainly do what I can to keep in touch with these developments, though I do not think it likely that I could see Pant myself. He is not a free agent. But I will keep my eyes open.

10. That is the position during this period while we are waiting for a decision. But if the Congress decide against office acceptance, the position will be completely changed, and though I agree with Your Excellency that after assumption of the administration under section 93 it will be necessary continually to be on the look-out for an opportunity of getting out of a position which by its nature cannot be permanent (vide your para 12). We must at the same time guard against the danger of weakening our position by appearing to parley with what would then, I assume, be an enemy. I feel that if action is taken under section 93, we shall inevitably have to take a firm line with Congress propaganda and Congress action, and I should myself be very much surprised if before long Congress did not embark on a movement of direct action. We must be very careful in those circumstances not to throw away the strength of our position. If it is necessary to fight, we shall have to fight the Congress with both hands, and not fight them with one hand and make conciliatory gestures with the other. We have had experience in the past of what happens when the trumpet sounds with an uncertain voice. But I know that Your Excellency appreciates this point entirely.

11. With reference to any definite suggestions of how we could at the moment get in closer touch with Congress, I will, as requested in para 19 of your letter, send a telegram after considering the matter a little more carefully. At the moment I have no clear ideas as to methods.

Yours sincerely,
HARRY HAIG

264

*Linlithgow to Zetland on New Initiatives by the Government**L/P.O./10/14*

21 May 1937

456S. Private and personal. My private and personal letter of 13th May.¹ Brabourne's speech has, I think, been definitely useful, though Gandhi professes to regard it as representing no advance, and its reaffirmation of existence of special responsibilities has been criticised in Congress Press, probably because of a desire, at this stage, to slide from responsibilities to issue of dismissal versus resignation. Haig has now issued a brief statement which Reuter has, I understand, telegraphed home and I expect Erskine will say something before long. I think we must now get down to considering whether there is anything further we can do in the near future to strengthen the hands of the moderate element inside and outside Congress and to improve prospects of Congress taking office on defeat of minority Ministries. There is, in fact, now very little between Congress and ourselves so far as assurances go, for on Congress side (though admittedly we are dealing with a very large number of somewhat inconsistent statements as to what reassurances Congress actually wants) attention is at the moment focussed on dismissal versus resignation issue medium on which incidentally the Congress Press seem to be considerably divided.

It seems to me important, however, that any movement which we may find it possible to make should be made without undue delay, not only on general grounds, but so as to avoid enabling Congress, if defeat of minority Ministries is postponed till late in the summer, to take the line that they could not now accept office since it would be out of the question for them to take responsibility for framing a budget in the short time available before the end of September.

2. I deal below with such possible steps as suggest themselves to me. Meanwhile I have sent a circular letter to the Governors of Congress Provinces again emphasising that our object is to get Congress to work the Act; that we are concerned to do all in our power to bring that about; that you and the Cabinet attach real importance to maintaining contact and would welcome any concrete suggestions they may have on this; that I am considering in consultation with you what, if any, constructive steps are possible on our part and that I will, in the near future, address them again.

¹ See No. 250

I have also given them for consideration my views as to the position which may arise here and line we should adopt as regards partial or complete assumption of power under section 93, dissolution, &c., should all our efforts to bring Congress in prove unsuccessful. You will, I think, agree with me that there is advantage in examining possible courses of action and possible difficulties as far in advance and in as much detail as possible. I am sending you copy of my letter by Air Mail 20th May.

3. The extent to which we can in fact do anything more than we have already done is in fact, as I see it, exceedingly limited. My own views at this stage are as follows.

4. I am now myself definitely in favour of an early summoning of the Legislatures—say towards the end of June. There is no need for all to be summoned on the same date, and we should have to consider carefully which should be summoned first. My confidence in Brabourne's capacity for handling a situation is so great that I am disposed to think it would be best to start with him; failing him possibly with Erskine. But on this I would propose to sound Brabourne confidentially and get his estimation of local reactions before making up my mind. Admittedly the early summoning of the Legislatures means an early end of the minority Ministries and may mean earlier introduction of section 93. But that cannot be helped and these risks are, I think, largely offset by the danger of giving Congress the excuse referred to in paragraph 1 above for refusing office. It may of course be argued, also, that time is on our side and that the longer we allow minority Ministries to prove themselves the better. But, while there is something in that point, and while it would be of real importance had we plenty of time at our disposal, I do not think it is really substantial when there is no more in issue than five or six weeks at the outside.

5. I have again carefully considered, and with most open mind possible, whether it would not be worth my while to invite Gandhi for a talk. But my considered decision is against this and in this I am supported by all my advisers without exception. I cannot be sure that he would accept or that he would accept save on conditions which might be embarrassing to refuse and yet incapable of acceptance. I begin to feel serious doubt as to whether in fact he really wants Congress to take office or is open to argument, and possibility that he might reply that he would gladly see me as an individual but that he in no way represents Congress and that if I wish for their views I should send for Nehru, cannot be wholly discounted. I have nothing to give him in an interview but explanations, and while no doubt these and establishment of personal contact would be of value, I feel no certainty that this would meet the case. While I would issue a statement to Press the moment he left

me and preferably an agreed statement, there might well be difficulty in agreeing to a statement and two conflicting statements would be embarrassing. These are minor matters and as you know I am moved by considerations of prestige only where I think these of any political importance. But I cannot altogether eliminate the political importance of prestige element and risk of a rebuff or an embarrassing breakdown in this case. Other and more substantial considerations which weigh with me are, undesirability of by myself tendering an invitation, of appearing to accept the Congress contention that they are in fact an organisation parallel with Government and entitled to negotiate on behalf of India as a whole with head of administration; the fact that as we have nothing to give, the prospects of a negative outcome are very substantial; the undesirability, particularly at this stage, of doing anything to raise Congress stock; and depressing effect of such a move on my part on morale of Services and on conservative elements, which I have every reason to believe would be very great. I say nothing of reactions at home. I would, on the other hand, attach relatively little importance to these considerations were request to come from Congress, for I am already committed by my broadcast of last year to keeping an open door for political leaders of whatever kind. But I see no prospect, at this stage, of Gandhi putting forward any request for an interview with me.

6. It has been suggested to me that objections, as stated above, to an interview between Gandhi and the Governor-General would be of less substance in the case of a Provincial Governor, and that Hyde Gowan, in whose Province Gandhi lives, might well write and ask him to come for a talk. There may be something in this, though the difficulties are obvious, and, as I am anxious to leave no possibility unexplored, I attach sufficient importance to it to have thought it worth sounding Hyde Gowan, to whom I have written, but on whose judgement of its practicability everything must turn. I will let you know result.

7. On that assumption the only immediate contribution we can make appears to be:—

- (a) Such contacts as Governors may, at this stage, find it possible to establish or develop with Congress leaders (compare paragraph 2 above);
- (b) Further speeches by Congress Governors repeating assurances and explanations such as those given by Brabourne. I will urge on Governors importance of action on these lines;
- (c) A public statement or message from myself, either before or after meeting of Legislatures, or possibly before *and* after.

Ex hypothesi I could indicate no concessions nor make any advance beyond what has already been made, nor could I do much to amplify the explanations and assurances already given by you and by individual

Governors as to attitude of Governors, &c. But I think, for all that that a statement on general lines indicated below would probably be worth making and I think too that it would be worth making a move before any announcement as to summoning of Legislatures, so as to give an opportunity for one's explanations to take effect. When Legislatures meet and minority Ministries are defeated or are on the point of defeat there will inevitably be further discussions between Governors and Congress leaders which may afford an opportunity or make it necessary for me to make some further statement and possibly even, if circumstances went that way (though I do not, unfortunately, think this probable), to receive Mahatma or some other Congress leader.

8. Subject to your reactions and to any views I may receive from Governors I would therefore contemplate that at the beginning of June (for, though time is important, I would like to give a little longer for various explanations and assurances which have been offered and negative and unproductive character of Congress policy to sink in) I should, either on the wireless or in a formal public statement issued simultaneously in all Provinces, gather up the threads of this business; stress the satisfactory conditions obtaining in those Provinces with majority Ministries; explain constitutional position as persuasively as possible; express my entire agreement with your conception of manner in which a Governor would use his special responsibilities and my confidence in the readiness of the Governors to work within the Act with any Ministry whatever its complexion; refer to statements, such as Brabourne's, as to anxiety of Governors not merely not to provoke a conflict in the area of their special responsibilities, but to leave nothing undone to avoid such conflict arising and saying that this was attitude of all Governors and expressing hope that misunderstandings and misconceptions have now been removed and that we can look forward to normal constitutional working. (I must of course be very careful so to phrase what I say on this point as not to upset minority Ministries. The position really is that Congress must either be prepared to allow minority Ministries to operate the Act or be prepared to take responsibility for operating it itself.) It would be well also to cover this issue of dismissal versus resignation; and I would propose, in addition, to draw attention to constructive character of work which has been done by minority Ministries as showing that their programmes, &c., bear out goodwill of Governors and of the Services, and specifically deny suggestion which has now been made that Governors would not allow similar programmes to be put forward by Congress and that they are in fact at present unopposed by them only because they are work of minority Ministries. I am inclined to think also that it would be well to repeat assurance I gave in my first broadcast that I am always at the disposal of any political

leader who wishes to come and see me. I would of course aim at making my statement not merely as objective and as controversial but as conciliatory as possible; and would end with an appeal for goodwill, &c.

9. It would be foolish on my part to suggest that action of this type could be relied on to resolve the deadlock. But I think that the time has come for me to make some move, though I recognise how narrow the limits are within which I have to work, and it is conceivable that a statement of this character, for which I would arrange the widest publicity, which would be couched in the friendliest terms possible, might be of some assistance here, while it would, I imagine, unquestionably be of assistance to you at home, as emphasising entire reasonableness of our attitude, which has been to give all possible encouragement to anyone who is prepared to work the Act. And in any case it appears to me, coupled with further utterances by Governors and reassuring replies to such questions as may be put in Parliament, to represent utmost we can do at any rate at this stage.

10. I shall be most grateful for any comments or suggestions you may have. I will let you know reactions of Governors, such as they may be, to my circular letter, but it would be of real assistance to me to have your own appreciation as early as possible, for once I am sure that we are in agreement I would like to let Governors know my intentions and get their views before making a move.

265

Jinnah's Demand For Equal Status for Muslims in Fight for Freedom (Extract)

The Times of India, 22 May 1937

"We are prepared to fight for the country's freedom as equals with other parties, but never as camp followers, nor shall we submit to anybody's dictation," declared Mr. M.A. Jinnah, addressing a mammoth Muslim meeting.

Mr. Jinnah, said that their work had not finished with the elections. A more important work—that of organising Muslims not only in Bombay but all over the country—had now been launched by the Muslim League. He appealed to every Muslim to join the League, and he assured them that within a short time the League would become a strong party capable of fighting any other party in the country.

The League's policy, Mr. Jinnah explained, was that they were prepared to fight for the freedom of the country but not to become the

slaves of others. They would fight as equal partners with the Hindus but would not follow anybody's dictation.

Mr. Jinnah observed that from 1916 to 1935 he had been under the impression that the Hindus and Muslims would join hands and work together. In 1935, he spent four or five weeks holding conferences with Babu Rajendra Prasad (then President of the Congress) and trying to get the Muslim viewpoint accepted at least by the Congress leaders, if not by the Hindu Mahasabha. But he did not succeed.

The new Constitution had now been in operation for more than a month, and conditions were different. He wanted to make the Hindus realise that without the friendship of the Muslims the fight for freedom would be futile.

Mr. Jinnah said his idea was to form a progressive, independent, nationalist group to work with the Congress for the common good of the country. He had always been prepared for an honourable settlement, but finding no way to further that objective he had decided to strengthen the Muslim League.

266

Emerson to Linlithgow on Congress Arrogance and Unionist Party's Rural Reconstruction Programme

Linlithgow Papers

BARNES COURT, SIMLA, E,
22 May 1937.

[CONFIDENTIAL]

MY DEAR LORD LINLITHGOW,

Full reports have not been received regarding the Coronation celebrations in the Province, but it is clear that demonstrations of loyalty were on a very big scale and were spontaneous. I have been told, for instance, by several people that in Lahore⁴ the population turned out in their best clothes and in a holiday spirit, that the main street was crowded till the early hours of the morning, and that everyone was in the best of temper. Similar reports come from other towns. There were practically no attempts by any political body to boycott the celebrations, and where any such attempt was made it was a complete failure. The conclusion seems to be that the events of last December have not impaired in any way the traditional sense of loyalty towards the Throne.

2. In my last letter I mentioned that there seemed to be signs of Muslim feeling hardening against Congress. This is now definitely the case. One reason is that Congress are attempting to ignore Muslim leaders and approach the Muslim masses direct. Another is the arrogant spirit shown generally by Pandit Jawaharlal, and reflected in statements made by Kirpalani, the Secretary of the All-India Congress Committee. Sir Sikander Hyat Khan, in replying to a deputation of the All-India Kshatri Conference, made a strong speech against Congress pretensions. I attach a copy. This was entirely on his own initiative, and, in fact, when he showed me the draft of his speech, I advised him to tone down one or two passages which he did. He tells me that the speech was made in consequence of representations made by Muslim members of the Unionist Party among whom the feeling against Congress is greatly increasing. This feeling is shared by the rural Hindu Minister, Rao Bahadur Sir Chhotu Ram, who carries with him the Jats of the South-Eastern districts of the Province. Before Sikander spoke, Chhotu Ram had done a tour in the districts of Ludhiana, Jullundur and Hoshiarpur, where Congress and Communist parties are particularly active. He visited a number of villages and addressed informally several meetings at which the attendance amounted to two or three thousand. He spoke freely against Congress and found the people ready to listen, although the audience included a certain number of Akalis and other extremists. The general line he took was to attack them for their lack of any constructive work and for their failure to take the chance offered to them in those Provinces where they were in a majority. This again was entirely on his own initiative.

Generally, it seems to me that history is repeating itself. Congress arrogance is increasing the apprehensions among Muslims of Hindu domination, and communal feeling will soon reach a dangerous level. Congress may be able to get a few adherents among Muslims, but every success in this direction will strengthen the feeling of Muslims as a community against them.

3. Chhotu Ram had not previously seen what was being done in the way of rural reconstruction in the three districts mentioned above. He was very greatly impressed, especially with the consolidation of holdings, the agricultural associations and private farms, and the improvement of villages. In Hoshiarpur district, for instance, there is a very keen District Officer of Health, who in eighteen months has collected voluntarily Rs. 1½ lakhs, which has been spent on the paving of villages, improvement of water-supply, &c. The result of the Minister's visit is interesting. Chhotu Ram has long been an advocate of a reduction of land revenue. He now sees that there cannot be any substantial reduction and constructive work continue on the same scale. He is fast becoming a convert to the latter.

4. In the meantime, the Ministry has to anticipate attacks by the opposition on the land revenue system. A popular demand for some years has been that it should be based on the principles of income-tax assessment. Feeling that this demand would be renewed, the supporters of Government have themselves asked for a committee to examine the question. It is the present intention of Sikander to appoint a small official committee. The supporters of the demand have really only one incident of income-tax assessment in mind, namely, the exemption of incomes below a certain minimum. They overlook other incidents of income-tax which are not so favourable, especially to big land-owners. For instance, there are the following incidents of income-tax:—

- (i) a graduated scale, the rate increasing with the income;
- (ii) super-tax;
- (iii) liability to increase or reduction in the rate from year to year as compared with the present guarantee of 40 years in the case of land revenue;
- (iv) no limitation on the maximum enhancement that can be taken; and
- (v) no limitation on the share of profits.

The Punjab is so essentially a Province of small holdings that much as one may sympathise with the small man, it is almost impracticable to devise any system which will give him appreciable relief without crippling provincial finances. In one direction a move has already been made towards basing the land revenue demand more closely than formerly on the actual income, since under the sliding-scale system the demand to be collected depends roughly on current prices and increases or decreases as these rise or fall. The system has been already introduced in the Lower Bari Doab Canal Colony and the Lyallpur district, and it is the intention to apply it in the Lahore and Amritsar districts which are under re-settlement.

5. The fortnight has been comparatively quiet. Last night there was information of a stay-in strike in the Railway Workshops at Lahore, involving six or seven thousand workers. This morning it seems probable that the strike will fizzle out. There has also been some labour trouble in two or three small factories, and agitators seem to be busy among the workers. Apart from the Railway Workshops, there are very few big industrial undertakings in the Province, and, except when railway workers have given trouble, labour problems have given little serious concern.

There has also been trouble at the Khalsa College, Amritsar. Full details are not yet available, but the following statement has been issued by the Principal:—

"An unfortunate incident has caused some temporary excitement at the Khalsa College, Amritsar. On the 17th instant a pamphlet appeared against a professor of the Khalsa College. Some copies were thrown surreptitiously in the quarters of the staff without the knowledge of the College authorities. This was resented by the students and the staff, and in order to give expression of their feelings some students came to the Principal, who assured them that he was as much aggrieved as they and that he was ready to express his resentment in public. They were naturally satisfied with his reply and went away in good humour.

Some evil influences began to work however, and at dead of night students in different hostels were aroused from sleep and were asked to stay away from their classes in the morning. The Principal not to lose time issued a note condemning the pamphlet in the severest terms possible and got it posted in the college and the hostels.

The ringleaders picketed the gates, preventing the students from attending their classes. They were approached by the Principal, but they would not listen to reason and persisted in interfering with in-coming students. Four of them were, therefore, rusticated for one year. The staff in a meeting unanimously endorsed the action of the Principal both in condemning the distribution of the pamphlet and in taking action against the offending students. The meeting was resumed in the evening and two more were rusticated.

The strike of the students was not successful, and most of them were convinced that no ground existed for any grievances. The leaders were, however, not to be deterred. They summoned men from outside, who utilised a meeting of the students held outside the premises of the college and indulged in most virulent attacks on the management of the college.

The students, who were present, were much excited. They marched along with a number of outsiders to the house of the Principal, shouting slogans and demanding the withdrawal of the rustication order.

This morning some students, reinforced by Akalis from outside, picketed the gates of the college. The aid of the police had to be summoned. The crowd refusing to disperse on the order of a Magistrate, a *lathi* charge was made, and the crowd dispersed. One man, an outsider, who received injuries, was removed to the hospital. The college is working, though some students from the city could not attend the classes owing to the disturbance at the gate. A few are keeping themselves away from the classes".

The Chairman of the Managing Committee of the Khalsa College is Sir Sundar Singh Majithia, the Revenue Minister. Attempts have

previously been made by his enemies to create trouble in the college, and it will probably be found that this is the case in the present instance also.

Yours sincerely,
H.W. EMERSON.

[ENCLOSURE TO THE ABOVE LETTER]

MR DURGA DAS AND GENTLEMEN,

I am glad to have this opportunity of meeting you today. Your energetic and enthusiastic President apparently does not believe in allowing grass to grow under your feet. Soon after the annual session of the Conference he wrote and pressed for an early date for an interview. He followed his letter up by a personal visit and would not budge until he had got me to fix this date for our meeting. As you are aware, my time is more than full at present, but I could not resist your irresistible President. Your community deserves to be congratulated on their discerning choice of a President who will, I am confident, give a wise lead to the community and with his usual vigour and zeal put new life into the organization which you represent.

2. Before I deal with the various matters mentioned in your address, I should like to express my gratitude and thanks for your kind reference to me and for your cordial assurance of support to the new Government. Your offer of help is doubly welcome, coming as it does from the representatives of a community which can look back with pride to its glorious traditions and achievements in the sphere of Government from time immemorial. I have no doubt that, as in the past so also in the future, your community will continue to play an important role in the administrative, economic, social, and political life of the province and the country.

3. I am at one with you in your assessment of the possibilities of the New Constitution. As you say, in spite of its limitations, it implies the transfer of power to a Government responsible to the people of the province. I would go even further and say that there is no danger of or opportunity for interference by the Governors so long as the representatives of the people entrusted with the task of administering the province, conduct the affairs of the State as a good Government should do—conscientiously, diligently and impartially. A Government which deliberately ignores or fails to protect the legitimate rights of the minorities, the services, or for that matter of any class of community entrusted to its care cannot be termed a just or even a popular Government in the true sense of the term. Again, if a provincial Government is incapable of preserving peace and tranquillity of the province or, to take an extreme example, deliberately sets about to encourage lawlessness and violence, would it be fair to the society, the

province and the country to allow it to pursue, untrammelled, a course of wanton destruction and bloodshed? It is to meet such eventualities that special powers of the Governors find a place in the Government of India Act. And do not let us imagine that the inclusion of these powers marks a constitutional innovation specially devised for the benefit of India. Similar safeguards have figured in the Constitutions granted to other Dominions before us. It is true that they have been rarely, if at all, used in those Dominions and have since fallen into desuetude; but, as I have said, if the provincial Governments acquit themselves of their responsibilities as is expected of a responsible Government, there is no reason why those provisions in our case also should not prove to be equally innocuous. I fail to understand the attitude of a section of my countrymen who are refusing to exercise their legitimate right as a majority party. To an outsider their refusal to take Office on the assurance issue seems inexplicable except on the ground that they either do not wish to see the New Constitution successfully worked in any province or else are using it as a convenient pretext to avoid inconvenient issues *vis-à-vis* the electorate. No one would be happier than myself if these conjectures turn out to be incorrect and our Congress brethren even now decide, in fairness to their constituents, to come forward and shoulder the responsibility which by all constitutional canons is theirs to bear. The suggestion that in the event of a conflict of views between the Governor and his Ministers the use of special powers should be confined to a dismissal of the Ministry followed by an appeal to the electorate shows a callous disregard for the interests and feelings of the minorities. This formula, which is sponsored by Mahatma Gandhi and seems to have the approval of other prominent Congressmen, conceals a dangerous fallacy, and, if rigidly applied, might conceivably result in relegating the minorities to a position of political *Shudras* and a state of perpetual serfdom—a result which I am sure Mahatma Gandhi does not intend or wish to produce. So long as this feeling exists it is idle to blame the minorities for evincing their anxiety and resentment over the present domineering attitude of the Congress. The recent statement of Acharaya Kirpalani, the Congress Secretary, in answer to Mr. Jinnah's criticism of the Congress plan for roping in the Muslim masses surpasses all others for its arrogance and unveiled hostility to the minority interests and cannot but add to the apprehensions of the minority communities regarding the treatment which they are likely to get from the majority party in the provinces in which the Congress dominates. If we were to look at the problem from a narrow and parochial point of view, my party and I should feel tempted to welcome this formula which would give a free-hand in dealing with the minorities in our own province. But fair-play and duty to our Motherland dictate otherwise; and in spite of

the provocation which pronouncements of the type recently made by Acharaya Kirpalani not unnaturally offer to the majority community in our own province, we are determined to adhere unswervingly to the basic principle of our policy, *viz.*, to give a fair deal to our brethren of the minority communities. It is our fixed conviction that if a majority party in a Provincial Legislature desires immunity from interference by the Governor of the protection of minorities, the only honourable course open to it is to try and arm itself with the goodwill and confidence of those communities in a province.

Further I fail to understand how the dignity and prestige of Ministers to which we all attach the utmost importance will be enhanced by their dismissal rather than voluntary resignation. It is an insult to Ministers, representatives of the people, to suppose that they will not zealously guard their honour if and when the necessity arises.

I trust you will forgive me for dealing at some length on this important constitutional point; but since you had referred to the constitutional changes in your address and in view of the importance of this particular aspect of the problem which is exercising the minds of all patriotic Indians at the moment, I have availed myself of this opportunity to explain my own point of view as well as the attitude of my party in regard to this important issue which ultimately concerns the minorities in the provincial sphere to whatever denomination they may belong.

Now let us proceed to consider the economic problems mentioned in your address which to us in the Punjab are of even greater moment than the constitutional problems which seem to be exercising the ingenuity of our countrymen in several other provinces. I appreciate the laudable public spirit which has actuated you to avoid a reference to past controversies. As you say, we should be content to look ahead and to plan for the future instead of indulging in the unprofitable pastime of raking up past controversies. I unhesitatingly endorse the view expressed by you that the problem which confronts us is one of balanced development so that every part in the body-politic may contribute of its best towards the general well-being of the province. The problem of debt and of agricultural finance to which you have referred are indeed of vital importance and the question of finding suitable outlets for a profitable employment of their time and money, to the professional and other classes is no less important. But the main theme of your address, not unnaturally, is the working of the Punjab Land Alienation Act and its effect on the community which you represent. I therefore propose to confine my reply mainly to an elucidation of the position regarding this measure. Let me at the outset express the view that I do not consider the Land Alienation Act as sacrosanct in the sense that like the laws of the

Medes and Persians it is for all times unalterable; but at the same time I venture to remark that he would be a bold person indeed who, in view of the present circumstances and conditions, can assert that the time has come for its repeal.

Before I attempt to answer the specific points raised in your address, allow me to refer very briefly to the genesis of the Punjab Land Alienation Act. You are no doubt aware, that the agrarian riots in the Deccan in the eighties of the last century were originally responsible for focussing the attention of the Central Government and the various provincial administrations, including our own, on the agrarian problem. In the Punjab the late Mr. Thorburn, a distinguished Civilian of his period, as a result of his personal observations and enquiries had come to the conclusion, even before the matter was officially taken up, that agricultural land was rapidly passing from the possession of the tillers of the soil into the hands of the money lender. He recorded the result of his enquiries in a series of interesting and illuminating notes which he submitted to Government from time to time. His forceful advocacy on behalf of the peasant; and the vivid picture which he presented of the likely results of a policy of inaction, and its consequent dangers to society succeeded in bringing home to the Government of the day the need for instituting an official enquiry. The result of the official enquiry which was instituted during the last decade of the last century, not only completely substantiated Mr. Thorburn's conclusions, but disclosed a state of affairs which indicated even more clearly the imperative need for early legislative action. It was then that the Punjab Government moved the Central Government to introduce a Bill which was subsequently passed into the present Act. The introduction of this Legislation in the Imperial Council was preceded by an exhaustive examination of the various provisions of the Bill by an expert committee, as also by individual executive and judicial officers of experience. The Punjab Alienation of Land Act is essentially a class-measure devised to protect the peasantry of the province against expropriation by monied classes. It cannot be denied that but for the timely enactment of this measure the Punjab peasant, who is appropriately described as the backbone of the province, might conceivably have been a source of danger to the province and a menace to society and in particular to the class which you represent. It is not difficult to conjure up a picture of what might have happened if 90 per cent. of the population of this province had been deprived of their only source of livelihood. If that was the condition nearly 40 years ago, you can well imagine the consequences of a reversal of that policy today. Apart from economic factors, other forces are at work today which aim at exploitation of the peasant, with the object of bringing about a violent upheaval in the country. Lest I may have

painted too gloomy a picture, let me assure you that, as far as our own province is concerned, we need have no apprehension of any such calamity occurring so long as our present policy, of keeping the interests of the peasantry in the forefront, continues to find a prominent place in the programme of the Government of the day. You and I are agreed on this fundamental principle, because I understand that your present objective is not to undermine the efficacy of the Land Alienation Act, but to secure an examination of certain provisions of the Act, which you consider are operating harshly on non-agricultural classes without securing any substantial advantage to the classes whom the Act is meant to benefit.

I will now take up your proposal *seriatim* and briefly indicate my views with regard to each one of them.

You have suggested that the provisions of the Act should apply uniformly to cultivators and agriculturists from whichever community, tribe or group they may be drawn. As I have already explained, the Act is primarily meant to protect agriculturists against expropriation, irrespective of their community, caste or tribe. The main considerations which are kept in view in deciding whether a particular tribe or group needs protection are:—

- (i) that the tribe or group as a whole are dependent mainly on agriculture for their livelihood;
- (ii) that they are sufficiently important both as regards numbers and the area which they own, and
- (iii) that they are losing land to an extent and at a rate which would justify the extension of protection to them.

There is thus, no bar to the inclusion of any group or class of community in the category of “notified agricultural tribes” provided they fulfil the main conditions which I have just enumerated.

Your next suggestion is that money-lenders, from whichever class they are drawn, should be subject to uniform standards of legal obligation. I am in complete sympathy with your views in this matter, and I can unhesitatingly give you an undertaking that the suggestion will be sympathetically and carefully examined at an early date with a view to bringing all money-lenders within the purview of the legislation affecting money-lenders.

Your third proposal aims at securing that land up to a certain limit irrespective of whether it is owned by notified agriculturists or others should be made inalienable, and you further suggest that area beyond the prescribed limit should become a commercial proposition by which I believe you mean that it should be open to sale and transfer even if it is owned by notified agriculturists. The first part of this proposal seems at first sight attractive; but there is an obvious objection which strikes one

on a maturer consideration and I will try to explain it in some detail. Even if we fix the limit at the low figure of (say) 20–25 acres—and you must remember that the average holding in the Punjab is much below this figure—you would be imposing a disability, which at present is confined to notified agriculturists alone, on almost 7/8th of the land-owners in this province. I speak subject to correction, as I have not had time to verify my estimate of the number which would be affected. But assuming that my figures are approximately correct, it is obvious that you would be restricting the credit of those classes, which depend on occupations other than agriculture, to an extent which would seriously hamper trade and adversely affect the resources and income of those classes who are at present engaged in business and trade in the rural areas. These trades almost invariably obtain their stock-in-trade on the security of their landed property. However, the suggestion is one which merits examination and, without committing myself to any particular course of action as a result of that examination, I can promise you that it will receive due consideration. The latter part of this proposal, if given effect to, would strike at the very root of the Land Alienation Act, and I trust that, in view of what I have said in the earlier part of my reply, you will agree that the present time is hardly opportune to justify even a cursory examination of this aspect of your proposal. In addition to these main suggestions you have mentioned several other points on which you would like Government to make an enquiry. They are:—

- (i) That a certain economic unit may be fixed for land which is declared inalienable.
- (ii) That where money-lending issues are not involved, land may be sold and purchased for investment purposes.
- (iii) That land round Municipal or small towns or notified areas up to a certain mileage may be exempted from the operations of the Act to enable expansion of such towns or areas and development of healthy living quarters. Incidentally this will help the agriculturists materially.
- (iv) That lands required for industrial purposes be free from the operations of the Act.
- (v) That the orders of the Deputy Commissioner granting sanction for alienation of land should not be subject to review by the Financial Commissioner or any higher revenue authority.
- (vi) That the lands of persons who have taken to professions or are in service drawing a salary subject to income-tax and of land-owners paying certain amount of land revenue or above be free from the restrictions imposed by the Act.
- (vii) That the definition of the term “agriculturist” be made solely

dependent upon actual engagement in the work of cultivation and not on hereditary rights or tribal groupings.

As regards the first point, I have already promised an examination.

Your second point has also been dealt with under general survey of the Land Alienation Act; and, in any case, it is only of academic interest as the land belonging to agriculturists which is free from debt constitutes an infinitesimal proportion of the area owned by them: and where it is free from debt you may be sure that the last thing which an agriculturist would do is to sell his land. As for non-agriculturists, the question does not arise as they have even now the fullest freedom to sell and purchase land.

Your third point deserves consideration and will be examined. As far as the municipal and cantonment areas are concerned, even now the restrictions imposed by the Act on the freedom of transfer of land are not operative.

Your fourth point will also be examined; but an obvious reply to your suggestions seems to be that even now land belonging to agriculturists can be acquired for industrial purposes with the sanction of the Deputy Commissioner or where necessary, under the Land Acquisition Act.

Your fifth point would involve an amendment of the Act in respect of an important principle and must, therefore, be ruled out for the present. Moreover, apart from other considerations, it is not likely to appeal to the Legislature as it runs counter to the established principles of law relating to appeals and revisions. You must also remember that this provision gives a valuable right to the vendor to appeal against the order of the Deputy Commissioner when permission to sell land is refused.

Your sixth point again refers to a fundamental principle of the Act. It must, therefore, be left over for consideration until there is a radical improvement in the conditions.

Your seventh and the last point, I believe, has already been sufficiently answered in a previous part of my reply where I pointed out that there is no bar to inclusion, in the category of notified agriculturists, of tribes or groups of persons who are primarily dependent on agriculture for a living if they fulfil the conditions already enumerated by me. I may for your information mention that the process of adding fresh groups and tribes to the list of notified agriculturists has been continually going on ever since the enactment of the Land Alienation Act. Some of the more important recent additions are:—

1. Sainis in Montgomery and Multan.
2. Gaur Brahmans in Ambala.
3. Muhiyal Brahmans in Gujrat and Gurdaspur.
4. Mahtams in Muzaffargarh.

5. Dogars in Montgomery.
6. Indian Christians in certain colony districts.
7. Harnis in Ludhiana.

May I add for your information that non-agriculturists can freely purchase Government land earmarked for sale in the colonies. You will be interested to learn that Government has recently allotted several *Chaks* to educated grantees who have undertaken to cultivate land with their own hands. These grants were open both to agriculturists and non-agriculturists; but preference was given to those who did not own any land. I am glad you agree with me that it is of the utmost importance for a province like ours to place the interests of the peasant in the forefront before all other considerations. In the larger interests of the State, as also in the interests of those classes who like you have a considerable stake in the country, it is up to us all to make a combined effort to improve the lot of the peasant, and to devise means for increasing his purchasing power, for the prosperity of all classes whether they are engaged in business, trade or professions depends on the prosperity of the peasant. One of the urgent needs of the moment is the reformation of the money-lender. He can both be a blessing and a menace to the countryside. If he is honest and reasonable and straight in his dealings, he is a boon to the villager. On the other hand, a rapacious and dishonest money-lender is a menace to the society and the State and the sooner this type is weeded out the better for all concerned. I confidently hope that the Government can rely on you for co-operation and support in stamping out this objectionable variety of the money-lender who on account of his rapacity and dishonesty is mainly responsible for engendering prejudice and hatred against the whole class whose usefulness to the agriculturist community cannot be denied or underrated and which provides an important link in the credit machinery of the country.

I am afraid I have taxed your patience by the inordinate length of my reply to your address; but you will, I trust, concede that the importance of the subject demanded that I should attempt to elucidate the position at some length for the benefit of all concerned. If you find my reply somewhat less satisfactory than you anticipated or may be even disappointing in some respects, I hope you will not judge me too harshly as in explaining the position frankly and unreservedly I have only tried to discharge the duty which both you and I owe to the people of this province. But before I conclude let me assure you that your community can always rely on the present Government for a fair deal.

Gentlemen, I thank you again.

267

*Linlithgow to Haig on His Opposition to Minority Ministry Resigning Before
Convening of the Legislature . .*

Linlithgow Papers

VICEREGAL LODGE, SIMLA,
22 May 1937

[PRIVATE & PERSONAL]

MY DEAR HAIG.

I delayed answering your private and personal letter of 16th May¹ until I had a chance to have a talk with Chhatari. I think that your elucidation of the position to Babu Purshotamdas Tandon, of which you kindly sent me a copy, is most clear and valuable, and I am very glad to see that it has received good publicity.

2. I have done my best to hearten Chhatari. I flatter myself that I have produced some effect on him; and he gave me in particular a positive assurance that in no circumstances would he leave you without a Ministry with which to meet the legislature. He put to me a variety of possibilities, including Rao's suggestion that the minority ministry might resign before the legislature was actually convened, and that if Congress thereupon refused to take office, the Governor should pass directly into Section 93. I made it very clear to him the exceedingly strong objection which I saw to any action on these lines and he did not press it.

3. He went on, however, to put a variant of Rao's scheme, the effect being that the minority ministry would, once the legislature had been convened, but three or four days before it was due to meet, place their resignations in the hands of the Governor, who would refuse to accept them, and, with the full knowledge of the minority ministry, would thereupon send for the Congress leader; and, after intimating to him that his present ministers were well aware that they were only a minority in the legislature, and had no desire, if the majority party were prepared to take office, to stand in their way, would enquire whether Congress were now prepared to accept office. If the Congress leader replied in the affirmative, the Governor would at once give effect to the resignations of his ministers and would invite the Congress leader to assist him in

¹ Not printed

forming a ministry. If on the other hand he did not do so, the minority ministry would then face the legislature, but Congress would, in Chhatari's view, be at a moral disadvantage to the extent that while themselves refusing office they were concentrating on the defeat of a minority ministry which had done its utmost to bring in beneficent measures and was challenging the verdict of the House on the legislative programme embodying such measures. He asked me whether I saw advantage in action on these lines.

4. I caused him to be informed after thinking matters over that if circumstances arose in which any action of this character became a practical proposition, that I was disposed to think that it would be better that the tendering of the resignation of the minority ministry to the Governor, and the Governor's refusal to accept it, should take place before the legislature had been convened, for otherwise it would not be difficult for the leader of the majority party when summoned to reply that he was not prepared to commit himself at that stage and that he desired to await the verdict of the legislature. If on the other hand no date had been given for the summoning of the legislature and the leader of the majority party intimated to the Governor that the essential thing was to convene the legislature without delay, the Governor could intimate to him that if he was prepared to accept office, the legislature would be convened for any date which suited him, though in the contrary event it would, of course, remain necessary for the Governor to use his own discretion as to the appropriate date. I gather that this modification made a considerable appeal to Chhatari.

5. I think that something on these lines might be worth considering, and I would see no objection to a formal tendering by the Ministry of its resignation and its refusal by you in the circumstances discussed above some time in advance of the convening of the legislature. I naturally felt bound to walk very carefully in discussing this matter with Chhatari, for he must make up his own mind as to his proper line of tactics. My views as described above were conveyed to him orally, and I also caused him to be informed that I would, of course, keep you in touch, as no doubt he would himself, as to what had passed between us. We must, however, as you will agree, be scrupulously careful to avoid any suggestion of an understanding between the Governor and his minority ministry on political tactics generally—a point on which I touched in the circular letter to Governors with a Congress majority, which you will by now have received.

6. I should be much interested in your comments on my talk with Chhatari and on the course of action referred to above. He suggested to me incidentally that there was a good deal to be said for the following of a common course of action by all the minority ministries. I am not sure

that I am convinced by this. Circumstances differ a good deal, and more particularly if we are dealing with a tactic so relatively involved as that referred to above, I fear that its adoption in all the six Provinces (any other objections apart) would make it difficult to resist the suggestion that there was an undue degree of co-ordination. But I need not say that I would welcome your views on this as on other aspects of the general situation.

7. I am not, I confess, convinced by the argument in paragraph 3 of your letter of 16th May, though I quite see the *prima facie* justification for the doubts you feel. The answer to my mind is that Ministers are responsible to their constituents, and that they are not operating entirely *in vacuo*. I have, I think, already made it clear that I was ready fully to accept your views as to the undesirability and impracticability in the circumstances of the United Provinces of the acceptance of office by a minority ministry at a stage subsequent to the securing of supply and of essential legislation under section 93. As you will have gathered from my circular letter, I am myself now in favour of a fairly early meeting of the legislatures.

8. I am glad that you have referred to this matter of the arrangements for administration under Section 93. There are some very important considerations involved, and I have been considering addressing a letter to Governors regarding them. I will, if I can, let you have something which may be of assistance to you in formulating your own conclusions in the very near future.

Yours sincerely,
LINLITHGOW

268

Gandhi to Jinnah on Unity

Gandhi Papers

22 May 1937

Mr. M.A. Jinnah sent Mr. B.G. Kher with a special message to Gandhiji about Hindu-Muslim Unity. Mr. Kher saw Gandhiji at Tithal. As a result of their conversation Gandhiji addressed the following letter to Mr. Jinnah.

TITHAL,
22 May 1937

DEAR SHRI JINNAH,

Kher has given me your message. I wish I could do something but I am utterly helpless. My faith in Unity is as bright as ever; only I see no daylight out of the impenetrable darkness, and in such distress I cry out to God for light.

Yours sincerely,
M.K. GANDHI

269

Asaf Ali to Jinnah on Muslims and Congress

Jinnah Papers

KUCHA CHELLAN, DELHI,
23 May 1937

MY DEAR JINNAH,

I have been closely following and most carefully studying and weighing all that has been said in the course of the controversy, which is proceeding in the press. On two occasions, I felt like clearing up a point or two urged by you. Once in the beginning of the year I felt that a certain reference to Muslim Congressmen was unfortunate and I issued a brief statement confining myself to that only, and once again recently I felt that our point of view was not receiving the consideration which it deserved. The statement I issued to the press may or may not have appeared *in full* in Bombay papers, and you may or may not have read it. I am, therefore, sending you a copy of it. Some of the northern newspapers also thought it desirable to omit a sentence or two to suit their purpose.

You may take it from me that the way I have stated the case represents a fairly accurate picture of the working of many minds, among the thinking section of Muslims in the north—barring the Punjab Unionists, who are by no means supporters of the League.

For an appeal to the masses, a concrete programme alone will answer the purpose. We who have worked among the masses for well nigh twenty years know this to our cost. The collapse of the Khilafat

movement led to disorganisation, which left agitated pools of reaction here and there, but made reorganisation impossible. The bitterness of communal riots which filled the period of reaction rendered all attempts at reorganisation along sound lines impossible. The set of prominent Muslims who plunged headlong into the forces of reaction separately controlled wholly ill-assorted groups, which had very few points of real contact between them. I need not dilate on this point.

The secret of the recent revulsion in favour of the Congress lies in just one simple fact. In 10 out of 11 Provinces the substance of your 14 points has been conceded, and the percentage in services has been fixed, but it has not brought the desired relief to the educated unemployed, and those who are crushed under debts. I may hazard a guess that about 33% of rural indebtedness (roughly 300 crores) on an average rate of 9% interest, covers the liabilities of the Muslim population of India. In other words nearly 27 crores a year should be paid by Muslims to keep down interest only. More often than not, 75% of this interest is not paid regularly and the accumulated liability converts owners of land into landless tillers—mere peasants on sufferance. If statistics were collected, the process of expropriation which is in progress would be found to be appalling. In this respect the Muslims are exactly on the same footing with their Hindu neighbours, and the educated unemployed both among Hindus and Muslims are in the same boat. Quite naturally, therefore, they are turning to the first person, who promises them relief. They have grown sick of the futility of squabbles. They want a “move on”. Working, wrecking or temporising with the Constitution are mere slogans, which mean nothing to them, until one can show them how any one of these methods can give them some relief. The success of the Congress in six Provinces has brought home to them the realisation that the relief looked for cannot be guaranteed by exclusive minorities. These and similar factors have operated to herald the turn of the tide. Again, the slogan “Muslims Unite”, even to work the Constitution and to fight both foreign and indigenous exploiters is, in my opinion, hardly calculated to yield the result expected. It may embitter some. If all Muslims of India cannot unite on the purely religious issues, and Sunnis, Ahl-i-Hadis, Shias, Qadyanis, and numerous other subdivisions must continue to break into riots, is there any real chance of a solidly united Muslim front against a political organisation which says “We want to fight the causes of your poverty, unemployment, indebtedness, landlessness and so forth”. It would be a weak cry “Muslims unite against the Congress”, particularly when the Congress says “Preserve your culture, your language, your religion, and even your social structure. We will not interfere with you. It is your business and not ours. But if you want freedom, let us all work together to achieve the end we are both working

for. We have to mobilise our forces, and move as one man under a unified command. Let any one of you, say Mr. Jinnah come on to the Council of War, and let him lead and hold the High Command—like General Joffre, who was placed at the head of the Allied Forces before the knock out blow was struck”. Nobody says dissolve the League. We simply urge, let the League join the Congress, also, and pull its proper weight in the counsels of the Council of War. None of us, nor you, I am sure, would claim infallibility. I go further and suggest that none but *you* should join the Congress, and say “I also represent another political organisation with the same aims and objects as you have, but I would like you to consider the urgency of my bringing them in. They have certain doubts and suspicions, and they are a,b,c,d, do you not think it worth your while to settle them?” The problem is exactly the same as you are face to face with in regard to other Muslim organisations. Why must you insist on bringing all Muslims into the League? Why cannot Ahrars, Proja Party, Unionists, Jamiat, and so many other wholly or predominantly Muslim Organisations turn round and say “cooperation, yes, but we must control our groups separately”. Even within the Congress, groups do not lose their individuality.

But how is the rapprochement to be brought about? Is working and wrecking the only bone of contention? You know it more than anybody that hard words never broke any bone. What about “Replacing the present Constitution”. Is the Communal Award another bone of contention? The Congress is pledged to seek no alteration of it, by invoking outside aid. When it is done it must be by agreement among the contending parties. The culture, language, script and religion of minorities are already guaranteed. What else is there?

Will you for enlightening those who think as I do, help me with a clear statement of the points at issue, just to enable me to initiate a thorough discussion of the whole question with those who are in a position to come to a definite decision on the point?

You know how much I admire and respect you, even though you may not know how much personal affection I have for you. It pains me beyond words to see such great reserves of political experience and ability as you unquestionably possess go uncoordinated. Unless you have reasons for discounting every word of what we say, may not some of us, whom you know as not wholly devoid of reason and political experience, expect a calm consideration of our point of view, and a reasonable concession to our reasoned wishes? In certain Nationalist circles I have even incurred odium for praising you “excessively” in my public utterances. But in regard to public matters, I do not expect you to be swayed by personal friendships or ties. But a dispassionate consideration of public questions surely includes the assessment of the

views held by those who have proved their capacity to suffer for their convictions.

What are the concrete points, you would, for instance, expect the Congress to concede to secure the general economic welfare of the Muslims? If you will be so kind as to let me know them in detail, I shall see that they reach those who can speak authoritatively. A controversy in the press may be useful up to a point, but it hardly answers the purpose.

With kind regards.

Ever yours sincerely,
ASAFA ALI

270

Erskine to Linlithgow on Viceroy's Proposed Statement and Other Constitutional Issues

L/P.O./6/100

GOVT. HOUSE, OOTACAMUND,
24 May 1937

[SECRET & PERSONAL]

MY DEAR LINLITHGOW,

Many thanks for your secret and personal letter of May 18th.¹

I quite agree with the views that you have set out in paragraph 3 of your letter and I believe that a statement by the Viceroy on the lines you suggest ought to do good and can certainly do no harm. As to a meeting of the Madras Legislature at the end of June or beginning of July, I am bound to say that I would prefer the middle of the latter month, as the Secretariat does not usually come down from Ootacamund till about July 20th and at the time you suggest it will still be very hot in Madras, nor is there any building here that could be used for a meeting. However, these are minor considerations and, if it is the general view that the Legislatures should meet at the beginning of July, I should be prepared to fall in with that proposal, though at present it seems that the provision of a little more time for thought by the Congress in Madras might well be of value. They are not at all happy just now and Mr. Rajagopalachariar is having a good deal of difficulty in controlling them, so I am inclined to think that the longer this particular phase lasts, the less easy will his task become.

I agree also with your remarks as to the importance of the Home front. Up to now the reactions in England to events out here have been better than I had expected and the Labour Party as a whole have shown no desire to uphold any of the Congress demands; Snell's speeches in the Lords have been good. In fact, from what I can gather, almost all sections of British political opinion regard the Congress policy as being childish. I am sure that it would be a grave error for us in India to produce, if we can avoid it, a situation in which the Tory and Labour parties are not in fairly general agreement on the course to be followed, for, if that position should arise, the history of the Irish question may well repeat itself with disastrous results to the British connection at some future time.

As to the course of events when the Legislature does meet, this is what I envisage. As soon as the swearing-in of Members and the election of the Officers of the two Houses has taken place, there will certainly be either a vote of no confidence in Ministers proposed by the Congress opposition, or Ministers themselves will put down a vote of confidence. The present Government will undoubtedly be defeated, and I shall then send for the leader of the Congress party, whoever he may then be. If he refuses Office unless I give him impossible assurances, a proclamation under Section 93 will immediately issue.

If this course is forced on me, I am entirely opposed to half measures and I would press that the Governor should assume complete power. I am therefore in agreement with your own conclusions on this matter which are set out at the end of paragraph 13, and for the same reasons.

As to the question of dissolution, if by dissolution you mean an election in September, then I agree with the view you have put forward; I certainly do not desire to see a fresh general election for some 18 months or two years. But I would like to get rid of this Assembly altogether and not allow the present Congress Members to pose as M.L.As with all the prestige that attaches to that title, and, as I said in my last letter, I feel that the retention of the present Assembly would make it easier for Congress to set up a sort of parallel Government. Would it not therefore be possible to dissolve the Assembly and not call for fresh elections? I believe that this could legally be done if the proclamation under Section 93 was suitably worded, and, if it is possible, it is the course that I should prefer to follow. As to letting the Congress know informally that, if the present Ministry is beaten, there will be no hope of fresh elections, this can easily be done through third parties, and there will be no difficulty whatever in getting the information conveyed to the right quarter.

As to the question you raise in paragraph 16 in regard to the possibility of the Minority Ministers resigning before the meeting of the Legislature, such a problem is not likely to arise in this Presidency, and I

am sure that they will face the music, though they will no doubt have an unpleasant time, and I agree from many points of view that it is better to meet the Legislature with a Ministry than with none at all. I also feel that it would be a mistake, even if it were legal, to prevent the Assembly ever sitting, however short that session may be.

I am bound to say that the question of personal contact between the Governor and Congress, which you have raised in paragraph 19 of your letter, is the most difficult problem that confronts me in Madras. There has been no direct contact between Mr. Rajagopalachariar and myself since negotiations were broken off in March, nor do I see at present any method of re-establishing it. Contact by third parties is certainly possible and I will try and pursue this method, but I am sure that the Congress leader would prefer not to see me personally, as to do so would at once render him suspect to Gandhi and the Central Congress Committee. As to individual Congressmen, I have seen two of them, but they are the people who are already sick of the present position and wish to break away and form a new party; indeed I understand that their manifesto is to be issued next week. I may say that I am well aware of the state of feeling inside the Congress party and I see many people of Nationalist views, but so long as men are prepared to stick to Congress, they will not dare come to see me for fear lest they should be expelled from that party, and the discipline inside Congress is certainly very good.

Indeed I feel that the best line for me to follow at present is to lie low and say as little as possible. Many individual Congressmen are certainly of the opinion that, when their leader is sent for in July, he will be able to accept Office, but personally I fear that the wish is father to the thought. I do not myself believe that Gandhi and his friends have any intention of letting Provincial Congress Parties take Office and, if we were to give way to their present demands, they would certainly raise others. Even if Gandhi were to be forced by the pressure of events to allow Office acceptance in one or two Provinces, I fear that it would merely be with the intention of causing as much trouble as possible, and I am not optimistic as to Congress consenting to work the Act properly for some time yet to come. I only hope that I may be mistaken and it may well be that in Madras at any rate they might disregard their Headquarter instruction and work the Constitution properly. Not that I am in any way worried by the situation, for we can easily hold it, but I should certainly prefer a quiet life for the next 2½ years instead of a continual and unnecessary battle with the forces of disorder which will certainly be stirred up by Congress if they are not allowed by their Headquarters to form a Government.

Yours very sincerely,
ERSKINE

271

Haig to Linlithgow: Fortnightly Report on Political Conditions in U.P.

Linlithgow Papers

CAMP,

24 May 1937

(Strictly Confidential)

MY DEAR LORD LINLITHGOW,

I am sending my fourth fortnightly report on political conditions in the United Provinces under the new constitution. Just after I wrote my last report, the meeting of M.L.As. convened by the Congress was held in Lucknow. Not many non-Congress M.L.As. attended, and several of those who did attend went as critics. The proceedings were temperate and the speeches not as strong as might perhaps have been expected. Two main resolutions were passed: one declaring no-confidence in the present Ministry; the other calling upon the Governor to summon the Legislature forthwith. Copies of these resolutions were forwarded to me by Babu Parshotam Das Tandon, who had been elected as Chairman of the meeting. I felt it was desirable to give a reasoned reply, both as a matter of courtesy and in order to strengthen my own position. There had been a good deal of criticism of my action in not summoning the Legislature, and this had not been confined to Congress quarters. Accordingly I sent a reply to Babu Parshotam Das Tandon, of which a copy is enclosed.¹ The effect of this, I think, has been satisfactory. Babu Parshotam Das Tandon sent a reply to my Secretary's letter, which, except for one passage, was not unreasonable in tone and kept the discussion on the plane to which I had directed it. The *Leader* published a leading article on the whole supporting the line I had taken and the *Hindustan Times* made a not unfriendly reference to it as giving an indications that the authorities desired to keep the door open.

2. I am increasingly impressed by the indications of a strong desire on the part of the Congress in this Province to take office, and also by the apparent disposition to moderate the extreme programme which Congressmen were talking of in the first flush of victory. I enclose a copy² of a statement made by the publicity committee of the Congress party in the United Provinces Legislature explaining in detail what the Congress propose to do if conditions permit them to form the Provincial Ministry. The whole statement seems to be drafted on the assumption that Congress will take office. I think they have undoubtedly been influenced

¹ Not printed

² Not printed

by the programme put out by the present Ministry, and the realisation that if they do not take office, others may be in a position to pursue a liberal and popular policy. Pandit Govind Ballabh Pant, the leader of the Congress party in this Province, is staying in Naini Tal which is his hot weather home, and there is an impression that he is not only anxious to take office, but hopeful that he will be able to. I am endeavouring, as far as possible, to keep in touch with Congress opinion. The decision however, does not lie with our local Congress M.L.As., but with Mr. Gandhi and Pandit Jawaharlal Nehru.

3. The position of the Government has not improved during the last fortnight. There are no signs of their winning for themselves the convinced support of the non-Congress elements. This, I am afraid, must be attributed mainly to their own failure up to date to organise or even to attempt organisation. The result of this lack of organisation is a tendency to regard them as seven individuals fortunate enough to be filling positions of authority and profit, and not as representatives of those who are opposed to Congress policy.

4. The causes of the inaction of the Government in this direction have become apparent recently. They have not been agreed as to the nature of the organisation. The Muslim members intend to give their primary allegiance to the Muslim League, and are determined not to come into a non-communal party. On the other hand, the Hindus have been urging the necessity of forming a non-communal party if any effective results are to be achieved. It is clear now that the decision of the Muslims on this point is definite, and that no new or revived non-communal party embracing all the non-Congress elements can at present materialise. The non-Congress Hindus are left by this decision in a difficult position and without any organisation of their own. I sincerely trust that they will not succumb to the temptation of arraying themselves under their communal organisation, namely, the Hindu Mahasabha, for that would make co-operation between non-Congress Muslims and Hindus impossible. I think it is more likely that the Hindus, if they can form any organisation at all, will form a non-communal organisation of their own, something on the lines of the Liberal party, which could be joined by all communities, but presumably would not be joined by the Muslims. There is still talk of organising work on non-party lines for the promotion of good relations between landlords and tenants in the districts, and this is neutral ground on which the Muslims and Hindus could with advantage meet. The Cabinet are holding a meeting in Lucknow in a few days' time at which they will finally decide whether they will take up the active work of organisation in the next two months or not. They recognise that if they are to do anything, they can no longer delay. Various individual members of the Government are keen to try to

start organisation work in the districts, but I am not sure what the decision of the Cabinet as a whole will be.

5. The Cabinet have also been considering their tactics when the Legislature is summoned. The Premier (as the Chief Minister is now called by request of the Council of Ministers) was attracted by the idea of resigning before meeting the Legislature, as he was greatly impressed by the difficulties of their position when the Legislature should meet. I do not think this represents the view of the Cabinet as a whole, or is likely to be their decision, for they recognise how deeply they might be discredited if they held office for four months on the plea of preparing a programme to be submitted to the judgment of the Legislature and then finally resigned on the eve of meeting the Legislature without ever putting their programme forward.

6. There has been further talk about the desirability of including a Scheduled Caste member in the Ministry. There are, however, considerable practical difficulties. Financially provision is not available for another Minister, and he could only receive the salary to which he is entitled by a voluntary surrender of part of their salaries by the other Ministers. Moreover, the difficulty of finding a reliable man and one who would bring any kind of strength to the Cabinet is considerable, and I do not think that the proposal is likely to go much further.

7. There have been important developments in the Muslim situation as the result of the meetings of the Muslim League Parliamentary Board at Lucknow a fortnight ago. Mr. Jinnah attended the meetings and his influence was decisive. It was made quite plain that the League would not stand for any policy of merging the Muslims in the Congress, or allowing the Muslim League to become a mere appendage of the Congress. They decided also that the Muslim League would not as a party attend the meeting of M.L.As. convened by the Congress.

Chaudhari Khaliq-uz-Zaman's policy was completely defeated, but the professed to accept the policy laid down by the League under Mr. Jinnah's influence. There is to be a meeting, I understand, of the League itself towards the end of August and by that time it is expected that the more conservative Muslims will have re-established their control over the League and that Chaudhari Khaliq-uz-Zaman will be unable to maintain the office he at present holds. The principal consideration, apart from Mr. Jinnah's personality, in bringing about these results is the alarm that has been caused among the Muslims generally by the Congress attempts to capture the Muslim masses. Those who have hitherto represented the community feel very strongly, that if the community is to retain its individually, no efforts must be spared in resisting the attempts of the Congress to absorb them. I fancy for this purpose considerable sums of money may be forthcoming, and that we

may see before long a big campaign among the Muslims emphasising their communal and religious interests and attacking the Congress. The danger of course is that communal feeling will be worked up undesirably. But this seems to me to be the inevitable reaction to the Congress move.

8. Meantime a very unfortunate outbreak of rioting has just been reported from Lucknow between the Sunnis and Shias. Extremely strained relations have existed for over a year owing to the claim of the Sunnis to be allowed to recite the praises of the four companions of the Prophet and the counter-claim of the Shias that if so, they should be allowed to utter the curse upon them. The Sunni agitation of last year, which had assumed the form of passive resistance to the orders of the local authorities, was attracting a great deal of attention and threatened to become an all-India question. Feeling was allayed by my receiving deputations both of the Sunnis and the Shias in Lucknow during last cold weather, and the movement of passive resistance was abandoned by the Sunnis on my assurance that if we could not secure agreement between the two sects I would appoint a committee to look into the whole matter. After long conversations the two parties proved irreconcilable, and towards the end of March I appointed a committee of two (the President being a High Court Judge) who took evidence in April and are at present writing their report. But as the time for decision was approaching, the feeling on both sides has been getting more acute, and it has now broken out in this unfortunate form.

9. The celebration of the Coronation throughout the Province went off very well, and there seems to have been a great deal of spontaneous loyal feeling. General conditions in the province remain, as far as I can judge, as I described them in my last letter. A good deal of publicity has been given to the sugar-cane situation in Gorakhpur owing to a recent visit of Pandit Govind Ballabh Pant to that area. I explained the sugar-cane situation in paragraph 7 of my letter of April 7th, and the present position is referred to in the fortnightly demi-official letter of May 19th of which a copy is enclosed. The Government have throughout been in the closest touch with the Gorakhpur situation, and I doubt if anything more can be done at this late stage. The amount of cane still standing has been reduced considerably in the last fortnight, but it is obvious that a fairly substantial amount is bound to remain unsold in two tahsils. Elsewhere in the Province I think we can congratulate ourselves on having got the cane crop disposed of entirely in spite of the very difficult conditions.

10. There is one important matter of policy on which the Congress might possibly try to raise an agitation among the tenants, and that is the question of re-settlements and revisions of settlements which are in

progress at present in a number of districts. This was a policy which we started something over a year ago after prolonged consideration, as the only effective means of getting out of the present unsatisfactory and dangerous position of having remissions of revenue amounting to over one crore and remissions of rent amounting to nearly four crores annually, resting on no legal basis, but depending merely on executive orders which, though intended to be purely temporary, have had to be continued now for over five years. We started the resettlement and revision operations last year, and I had anticipated that during the elections the Congress might make a considerable point of them in the districts in which the operations were in progress. But surprisingly little attention was directed to this matter. I think the fact is that though on the whole the rents as they stand at present with the executive remissions will be somewhat increased, it is realised that they will only be fixed at rates fully justifiable after careful enquiry by the settlement and revising officers, and that these rates so fixed will be legally valid and cannot be enhanced for ten years, whereas the present remissions could be removed at any moment by executive order. The new rates of rent will in any case be well below the existing legal rents, and this also must carry weight with the tenants. Moreover, prices have now risen considerably above the rate prevalent when the remissions were first given. The Congress, however, have now declared in a recent resolution that they are opposed to the continuance of these resettlement and revision operations, but so far there is no indication that they intend to try to raise an agitation against them. The rehabilitation of the Provincial Finances is dependent on the continuance of these operations, for without them there seems little prospect of recovering any substantial part of the 112 lakhs of land revenue that has been surrendered.

Yours sincerely,

HARRY HAIG

272

*Deputy Commissioner's Letter on Conversation with Khare**Linlithgow Papers*

Copy of letter dated the 24th May 1937 from the Deputy Commissioner, Nagpur, to the Commissioner, Nagpur Division, Camp Pachmarhi.

Dr. Khare accompanied Mr. G. V. Deshmukh for the scrutiny of the latter's nomination papers this morning. After the scrutiny was over, they stayed on and discussed the present situation. Dr. Khare was quite frank about his own belief that the acceptance of office was desirable, even though in his own case it might entail immediate financial sacrifices. But he said that he had to take his orders from headquarters. He then told me that he personally thought that the present obstacle, namely, the Mahatma's desire that the Governors should dismiss their Ministers when they differed from them, could be solved most easily by personal discussion. His view was that if His Excellency the Viceroy invited the Mahatma to see him, he would very gladly do so and that the Mahatma would readily accept assurances similar to those already given in both Houses of Parliament after His Excellency had heard him and explained the constitutional position to him. He said that Mr. Gandhi had told him that he was keener on seeing the constitution worked than any of his friends realised. I asked whether, if this was the case, the Mahatma was likely to ask for an interview with His Excellency, Dr. Khare replied that he would never do this, as he was hurt in his soul by Lord Willingdon's refusal to give him an interview. But all the same, he believed that if His Excellency the Viceroy invited Mr. Gandhi to meet him, or even let it be known that he would be prepared to grant him an interview if he asked for one, there would be no difficulty made by Mr. Gandhi. I then asked what he thought Pandit Jawaharlal Nehru's attitude would be. He said that of course he was against office acceptance, but that he would loyally abide by the majority's decision and would be guided by Mahatma Gandhi.

2. This is a brief summary of the essential part of a much longer conversation. Dr. Khare was as friendly as I have always found him and I imagine that he came intentionally with the object of discussing the situation privately and with the knowledge that I would consider the matter of sufficient importance to report it at once to you.

273

Gowan to Linlithgow on Viceroy's View of the Constitutional Position

L/P.O./6/100

Governor's Camp,
Central Provinces
24 May 1937.

SECRET & PERSONAL

DEAR LORD LINLITHGOW,

This is my reply to Your Excellency's two secret and personal letters of the 18th instant.

2. At the start I should like to say a general word with reference to paragraph 21 of the printed letter. No one can fail to agree with the view expressed by Your Excellency that the ultimate object which we have to keep in view to the exclusion of every other is the assumption of office by Congress, whenever and wherever it commands a majority in the legislature. The history of the past years in the C.P. has shown clearly enough that no constitution can attain its full and normal working until that has come about, and all parties in the province are participating fully in the task of governing it. The only alternative positions are (a) Congress altogether aloof, as it has been for the past eight years, a state of affairs which no one wishes to see repeated, and which represents a perpetual canker in the body politic; and (b) Congress in the legislature, but not in office, as at present, a position which must result eventually in the suspension of the constitution, with results which are unpredictable. The ultimate object is always, therefore, at the back of one's mind, and if one writes some times of Congress as "the enemy", and seems to be concerned with "considerations of immediate political advantage", it is not because one has in any way lost sight of the goal, but because it seems so clearly unattainable in the immediate future that one turns one's eyes to the pressing and practical needs of the present.

3. *Paragraph 2 of printed letter.* I turn now to the matters dealt with in your printed letter in detail. As you will have gathered from paragraph 12 of my last fortnightly report, I entirely agree with Your Excellency's impression that, in spite of all the dissensions which are undoubtedly taking place within the Congress, the all-embracing bond of opposition to Government shows no signs as yet of any real weakening. Neither I, however, nor those in a position to advise me can think of any inducement within the Act which we can hold out to Congress in order

to induce in it a change of heart. We do not believe that any intelligent Congressman is really ignorant of our bed-rock terms, or fails to realise that our position is reasonable and that we cannot resile from it unless we amend the act—to do which would be a fatal error. The reasons which prevent the acceptance of office have no connection with the merits of either side's case, and cannot in my view be overcome by anything in the way of inducements.

4. *Paragraph 3.* I realise fully the force of the argument that Congress should not be given an opportunity of saying that it cannot accept office because sufficient time has not been left to it in which to frame a budget. I venture, however, to urge that, so long as due weight is given to this factor, each Governor should be left to settle the date for the meeting of his Assembly according to local conditions. The weather has a frequent habit of taking a hand in the issue of events, and in the Central Provinces, as I have hinted in previous letters, instability is at its maximum during the hot weather. If left to myself, I shall probably summon the Assembly in the latter half of July, by which time the rains have usually set well in, the climate of Nagpur is tolerable, and tempers in consequence are less apt to be frayed. The Ministers have suggested the second week in August, but they will not mind the earlier date. I may add that I am very glad to hear of Your Excellency's intention to make a public statement. It will command an authority far beyond that of any statement made by a provincial Governor, and I know definitely that it will be heartily welcomed in this part of the country, at any rate.

5. *Paragraph 5.* None of us can afford to disregard the importance of the home front, however much we may mistrust its occasional impatience, and its tendency to force the hands of the man on the spot. But any suggestion in the press at home that any of us are adopting a stiff or legalistic attitude would be utterly unjust, and will I am sure be repudiated. Every Governor has gone to the uttermost limits in proclaiming the goodwill of his intentions, in spite of the dangers which we know to be present.

6. *Paragraph 7.* I have suggested above a reason for leaving Governors free within limits to choose dates for the summoning of their Assemblies. I venture to think that we need not worry overmuch about camouflaging the fact that the action of Governors is coordinated. In his speech in the Mock Parliament censuring me for not summoning the Assembly, D.K. Mehta made it quite clear that he did not wish to say anything against me personally, as every one knew that the Governors were acting entirely under orders. The cat has been long out of the bag, and it is just as well for Congress to realise that we have as much claim as they have to the strength which comes from unity.

7. *Paragraph 12.* As I explained at the end of my telegram yesterday, I

can see nothing further that we can do in the way of letting Congress know that they may have office when they want it. Our local Congressmen are under no delusion on the subject.

8. *Paragraph 13.* The more I think over the situation and the more I discuss it with those who are in a position to gauge it, the more convinced I am that no half measures will be of any use. If we adopt the normal procedure sketched out in paragraph 8 of your letter, and Congress still refuses to take office after passing a vote of no-confidence in the Ministry, this must be considered as a definite declaration of war, to be met with all the forces we possess. The suggestion of a partial suspension appealed at first to a natural reluctance to acknowledge a complete deadlock and to a desire to avoid the full rigours of autocracy; but I am clear now that the Ministry would not be able to endure the position for long, and that half measures would do more harm than good. Further, there is a strong feeling here that the only way to get the constitutional elements round to our side is by complete suspension, and that the point of attack should be the main Congress position. Efforts to sap the position by appealing to the moderate elements would be as fruitless as Joffre's "nibbling" at the German trench-line. In the Central Provinces we have the lesson of experience to go upon. In the period from March 1924, to February 1927, when we were without Ministers, the one thing which led to the growth of the responsivist movement and eventually brought the Swarajists as a body to their senses was the sight of the Governor administering the transferred departments, unconcerned and untroubled. I have had this from the mouths of the Governor of the time and of the Swarajist leader himself.

9. *Paragraph 14.* My reports have made it clear that I am altogether opposed to dissolution, which to my mind would be a cardinal error.

10. *Paragraph 15.* Acting on the above view, I have already let it be known quietly that I personally have no intention of ordering a dissolution, and that if Congress chooses to prepare for a fresh election, as it has been doing in certain districts, it is wasting its energies—a course to which I have no objection. I have now told Commissioners, with whom I have been discussing the situation, that they too can let it be known quietly that the rumour of an impending fresh election is without foundation.

11. *Paragraph 16.* I sent for Rao and told him what you said in your two letters on the subject of the resignation of the Ministry before the meeting of the Assembly. His idea that the Ministry should resign without meeting the Assembly was formed before either of us realised that section 62(3) was mandatory, and I do not think that he ever had any real intention of refusing to face the Assembly, if it had to meet. At any rate he has now assured me that if Congress has not accepted office and I

have not been able to form a majority Ministry before the meeting, his Ministry will not leave me in the lurch, but will stay in office until the Assembly passes a motion of 'no-confidence'. He intends to put his programme before the Assembly, together with any legislation to implement it which is ready. Schemes which require extra expenditure will not, however, be put into the budget, as the financial part of the programme will take a considerable time to work out. I can therefore reassure Your Excellency on this matter.

12. *Paragraph 18.* I venture to suggest the view that it is an extremely difficult matter to lay down any definite lines for the relation of a Governor with his Ministers, and especially his Chief Minister. His Ministers are not only a Governor's most valuable advisers as to the likely effect of any particular course of action on public opinion; they are also a fruitful source of information. Personally I have always endeavoured to keep in the closest possible touch with my Ministry. A Governor can be trusted, I think, to use his discretion independently when the occasion comes for him to do so, and to let his Ministry and the public know that he stands on his own feet, while at the same time making the Ministry feel that they have his complete confidence and that he welcomes their advice, given sometimes formally and sometimes informally, on all matters concerning the welfare of the province. If I may quote an old saw which was inscribed on my porridge-bowl—"He hath a sound judgment who relieth not solely on his own". Knowing what a tricky and touchy thing is Indian opinion, I have always tried to put the saying into practice in dealing with it. I am afraid, too, that I feel some difficulty in seeing how a Governor compromises his extra-party position by seeking counsel from those whom the constitution has set up as his advisers. Rao, for instance, knows perfectly well that, however much I rely upon his help while he is my Chief Minister, that reliance will cease as soon as he goes out of office. And I am quite sure that none of my present Ministry have any idea that they will be called upon to be my advisers if Section 93 is brought into force. If they have, they will be disappointed; such a position would be impossible. I hardly think that consultation with Ministers need ever imply that a Governor is shirking or sharing his responsibilities, or is compromising the detachment and independence of his position.

13. *Paragraph 19.* This question of contact, direct or indirect, between Governors and provincial Congress leaders is essentially a local one, and I wish to avoid all chance of any misunderstanding of the position here. The fact is that none of these leaders is the sort of person with whom a Governor would be in contact normally. None of them has any status outside the province, and few of them have any real influence outside their own limited local spheres. All have been the declared enemies of

Government since the non-cooperation and civil disobedience days, and practically all of them have been to jail, where some, thanks to the rigidity of official methods, went through embittering experiences. All, moreover, have been forbidden by their headquarters to have anything to do with Government officers or to attend any social functions in which they are concerned. Individually, R.S. Shukla, who is the best of the bunch, is a mofussil pleader in Raipur who is President of the District Council and runs a small petrol depot. He is an implacable enemy of Government. Khare is an ex-Assistant Surgeon who has a good practice in Nagpur, but is chiefly notorious for a buffoonish sort of humour and for long-winded and acrimonious polemics in the local press. Biyani in Berar is a small banya who was once an assistant on the staff of a local Congress paper. Govind Das and D.P. Mishra in Jubbulpore are an unsavoury couple, and the latter is nothing but a political freebooter introduced into the province by Govind Das. These are the Number Ones of the local party.

14. It will be admitted, I think, that in connection with such people the phrase "direct contact" has no real meaning. In spite of the friendliness of our initial interview—a friendliness which was due to the fact that we both wished to bring about the same end—after Khare had seen Patel he broke off negotiations with me by means of an abrupt note, saying that he saw no use in coming to see me again. That was in the true Khare manner. Later he wrote me a letter asking me to summon the Assembly, couched in terms which even Congress circles called impertinent. In these circumstances anything in the nature of informal friendly correspondence is out of the question. It is impossible for me to lay myself open to a rebuff by any attempt to establish direct contact unless and until I have a clear intimation that this is desired. Thanks, however, to the Ministers and to other sources of information I am in close touch with all that is happening, and I should have no difficulty in establishing direct contact, should the occasion arise. I have no doubt that I shall receive ample intimation if any "change of heart" becomes discernible. And Khare, like every other leader in the province, knows that if he wishes to see me at any time he has only got to say the word.

15. As you will see from the above, I am afraid that "the mollifying effects of personal touch", attractive as it sounds, is simply not practical politics. Further, as I explained in my telegram, I regard with great misgiving any suggestion that Governors should be asked actively "to foster and encourage any tendency towards office acceptance", especially by trying to attract "the support of the more reasonable Congress-men". I am quite sure—and my opinion is fortified by that of all those who are in a position to advise me—that the reaction to any attempt to seduce Congressmen from their allegiance (for this is what it would be called,

justly or unjustly) would do far more harm than good. The only way in which that allegiance can be broken is by bringing home to Congress a sense of the sterility of their present policy, and of the fact that its only result, as in 1924–27, will be the loss of the privileges of self-government. All long-service men know to the full the value of personal contact in India; but we also know that there are situations—and this is one of them—in which any attempt to establish them will do much more harm than good. As I have said in my telegram, the quarrel is in no sense a local one, and any contacts that are to do any good must in my view be made with the central body of Congress.

16. Connected with this is the intriguing suggestion put forward in Your Excellency's second letter that I should send for Gandhi and talk over with him the position as affecting our local situation. (Gandhi is away from Wardha at the moment, but he returns in June). I may say at once that I would fall in with the suggestion without hesitation if I thought that it could do the slightest good. But I am told by those in a position to know that Gandhi would almost certainly say, as he did on a previous recent occasion, that the man to deal with is the President of the Congress, and that it is no good addressing him (Gandhi). Even if he did come, he would merely be polite, and I should get nothing out of him but another rambling and inconsistent statement, such as he has been making for the past two months. Locally the reaction would be bad. After the importance given to Gandhi by the Irwin-Gandhi talks, his entourage would probably welcome the opportunity of administering a slap to a provincial Governor who imagined that he was in a position to send for the Mahatma. I should be quite willing to risk this if I thought that I could do any good by talking to him, but I have little doubt in my own mind that he needs no enlightenment as to the real position, that he is playing a very deep game, and that nothing that I could say would affect a single move in it.

17. *Paragraph 20.* The question of dismissal versus resignation seems to me to be nothing but a red herring drawn by Gandhi across the trail, and to leave the real issue entirely unaffected. That issue is, will the Ministry allow the Governor to exercise the responsibilities placed upon him by the Act, or will it not? If the answer is that it will not, the question as to what will happen as a consequence is merely one of form—or of tactics. At the same time I agree entirely with your view of the constitutional position, and will take any chance which I get of emphasising it.

Yours sincerely,
HYDE GOWAN

274

*Hallet to Linlithgow: General Agreement with the Objectives of Government
Policy Enunciated by Viceroy*

Linlithgow Papers

GOVT. HOUSE, RANCHI

25 May 1937

[Secret & Personal]

MY DEAR LORD LINLITHGOW,

I have already sent a short telegraphic reply to your secret and personal letter of May 18th¹ dealing with the question of possible date of a session and with the question of maintaining contact with Congress leaders. I had already been thinking deeply over all the various problems that confront us, and it is most helpful to me to get your detailed views. Before dealing *seriatim* with the points which you discuss, it is desirable for me to put forward for what they are worth some general considerations.

General Objective of Our Policy

2. I may at the outset say that I am in full agreement with all that you say about the general objective of our policy in the last paragraph of your letter; we must do all we can to get Congress to come in, and I am prepared to face the difficulties which will arise if they endeavour to turn office acceptance to ends detrimental to good government. It is indeed very possible that Gandhi wishes to weaken the administrative machine by a period of Congress rule, before falling back on his weapon of Civil Disobedience, and if so, a conflict between the Governor and his Ministers may occur at an early stage, in all probability over some question involving a Governor's special responsibility for the Services, a responsibility which Gandhi in one of his statements referred to as being particularly objectionable. But if such a situation did arise, we are, as you observe, not without means of dealing with it effectively. On the other hand, there is the chance that if Congress came in, responsibility will beget reasonableness and close contact with the Governor and with the officers of the Services will make a moderate Congress Ministry appreciate the help and assistance which they will receive in carrying out a beneficent programme. The chance may be small and indeed I regard it as small as long as provincial Congress leaders are controlled by the

¹ See No. 259

Centre. There is no leader in this Province as far as I can see who would dare to disobey the orders of Gandhi or Nehru. Though my local leader, Mr. Sri Krishna Sinha, was not unreasonable when I interviewed him, I was impressed by the fact that he was clearly speaking under orders and would not change a single letter of his brief. Rajendra Prasad is also I believe weak and completely dominated by Gandhi. But even if this crisis did arise after Congress had taken office, we should certainly be in a better position to justify ourselves in the eyes of the world and might be able to point out that Congress had used its power for revolutionary ends.

3. But though this may be the general objective of our policy *vis-à-vis* Congress, we must not lose sight of the fact that though Congress is the only organised party, there are other interests to be considered. A very relevant point which arises in this connection is that, speaking generally, it is the Muslims who have supported us in working the constitution and we cannot afford to alienate their sympathy or support. It is not of course possible for a Governor to take any direct action to form a political party; to do so would involve the abandonment of his position outside such parties. But on the other hand he should do all he can to facilitate the formation of a party consisting of those elements which are at present opposed to Congress; such a party might ultimately include the more moderate supporters of Congress. We have already taken a step in this direction by the appointment of Minority Ministries and by refusing to resort in the first instance to Section 93 of the Government of India Act. The action which Minority Ministries are taking will I hope by slow degrees convince people that Provincial Autonomy is a reality and not a sham. The process will however be slow and in this Province with its personal and caste jealousies, there appears no probability that the present Ministry will in the near future convert its minority into a majority.

4. The question then arises whether we can do anything to facilitate office acceptance by Congress. You have the impression which in my view is entirely right that there is no sign of a split in Congress; all our reports go to show that Gandhi is still dictator, while there are numerous instances which go to show what very close control even in minor matters the Centre exercises over individual members. In the Provinces there may be many Congress supporters who seeing the activities of the Ministers realise their lost opportunities, recognise that power has gone largely to the Muslims and recognise also their growing difficulties with the left wing. But it is significant that in their recent speeches Congress leaders are reiterating the old arguments against British domination and this I think goes to support the view that opinion at the Centre is hardening against office acceptance as a result of the influence of Gandhi

who still has Civil Disobedience in view as his ultimate objective. It is true that the Congress demand has apparently been lessened, but I would recall that this very point of dismissal and a reference to the electorate was raised by Mr. Sri Krishna Sinha in his first interview with me as reported in my telegram of March 24th. 1937; Congress clearly attach great importance to this point, for, as you say in paragraph 20 of your letter, they recognise its electoral value. They are anxious to avoid the inconveniences of a further Civil Disobedience movement and hope to secure the same object, *viz*, modification of the constitution by pointing to the fact they had twice won an election on this issue. It is often suggested that the distinction between "dismissal" and "resignation" is immaterial, but the Premier of the Punjab has in a recent speech emphasized the importance from the point of view of the minority communities, and it seems to be possible that this argument may appeal to Congress and may induce them to modify their demand. But I am not optimistic, for Mr. Rajagopalachariar in a recent address to the Summer School of Politics and Economics organised by the Madras District Congress Committee [reported in the *Statesman* (Calcutta edition) of May 23rd] emphasized the importance of this condition and the fact that Mr. Gandhi regarded it as necessary.

Dissolution

5. Congress no doubt regard this condition as important partly because they hope that if it is accepted, Governors will limit the occasions for interference to differences on vital questions of policy. This reason is of course based on the assumption which the Secretary of State and others have done their best to show to be incorrect that a Governor will interfere in the day-to-day administration of his Ministry. As I envisage the position that would arise with a Congress Ministry, it might be necessary for a Governor in the early period to accept their advice in many minor cases which involved or might involve his special responsibilities and to give them a pretty free-hand till the cumulative effect of their decisions rendered a difference inevitable. But the main reason why Congress press this condition is that they hope and probably anticipate that "dismissal" will be followed by "dissolution". In regard to this I agree fully with the views which you put forward in paragraph 14. Possibly at a later stage dissolution might be possible, but the arguments which you put forward against dissolution at the end of September apply with equal force to dissolution after a short period of Congress office. I feel that at present Congress attach so much importance to the electoral value of dissolution that they will not modify this condition.

Maintenance of Contact with Congress.

6. From what I have said above, you will recognise that I feel that it is certain that even if I could maintain or establish contact with the local Congress leader, it would be infructuous; they would still be controlled by the Centre. I also do not think it would be possible for me to establish contact with them and I venture to represent that the suggestion that we should attempt to maintain contact overlooks the important point that Congress have definitely isolated themselves from Government officers during the last five or six years; you yourself are well aware of their behaviour in the Assembly, while as an example of their firm attitude on this point, I may quote a recent case. It was proposed to give a farewell party to a Swiss Engineer, Dr. Ceresole, who has helped Congress in Earthquake Relief Work and the local leaders would have liked to invite Mr. Brett, my Chief Secretary, who was Earthquake Commissioner, and other Government officers who had done earthquake work, but they could not do so without getting permission of the Working Committee, and I am not certain whether permission has been granted! It is true my interview with Mr. Sri Krishna was friendly and frank, but it was a solitary occasion; if I were to ask him to come and see me, he would almost certainly refuse or would create a position which would somewhat embarrass me in my relations with my Ministers. I also see no hope of having any casual meeting for all Congress people keep sternly aloof from any function which I attend. A report which I have just received from my C.I.O. and which I quote for what it is worth, as it is relevant to the point under discussion, states that Rajendra Prasad had said that Congress might accept a compromise on the assurance issue even though Government did not accept the whole of it, but only if some Central authority invited some accredited Congress leader like Gandhi and settled the terms. The report went on "Congress is unwilling to seek interviews". The fault is thus not on our side, but the truth is that Congress realise that their followers might be influenced by discussions with me or with my officers and hence have set an absolute ban on any form of contact or association. Though perhaps his reason for refusal was rather different in this case, I may note that Rajendra Prasad refused to meet or co-operate with my Chief Minister in regard to a work for the benefit of his district. Whether I could establish any contact with Congress through any third person is a point which I will bear in mind, for I fully recognise how important it is to remove any *bond fide* misapprehension that Congress may have, but after the very clear statements made by Lord Zetland and others it is difficult to see how any such misapprehensions can exist. Since writing as above I have received a copy of your private and personal telegram to the Secretary of State, No. 456-S., dated 21st May, and if I may say so, the reasons which make it difficult, if not impossible, for you to meet

Gandhi are the same as the reasons which make it difficult for me to meet local Congress leaders. I feel that the only time when I shall be able to establish contact will be when I have to ask them again to form a Ministry, and I gather from paragraph 7 of your telegram to the Secretary of State that this is your view as regards your own position.

Immediate Policy vis-à-vis Congress

7. Personal contact being rendered impossible by Congress' own action, the only alternative is to deal with the position in statements or speeches—an alternative referred to in paragraph 7 of your telegram to the Secretary of State. It is true that these statements usually provoke criticism in the Press, but for all that I think the reiteration of such assurances as we can give is not without effect and I agree with the action which you have at present in mind that as indicated in paragraph 3 of your letter you should also issue a statement. I agree also with the lines of your proposed statement indicated in paragraph 8 of your telegram to the Secretary of State. I have up to the present kept rather silent on the constitutional issue, but on June 10th I am receiving addresses from local bodies in Ranchi, and that will give me a chance either to emphasize the points which Your Excellency may have made or to make a speech very much on the lines of Lord Brabourne's speech, if your statement has not been published. Apart from that, we must rely on the activities of our Ministers and to their policy strengthening the Congress demand for acceptance of office; my local Congress leaders are still I believe most anxious to do so.

Date of Session

8. This brings me on to the question of the date of the Session which I referred to in my telegram. My Ministers originally proposed September 4th, the latest possible date, not I think in any way merely from a desire to hold office as long as possible, but because they felt that the longer they held office, the greater would be their chances of winning over support, while they also felt that their chances would be improved if they could put forward concrete proposals for dealing with Tenancy, Economic or other problems. I too attach great importance to giving them a full opportunity to elaborate their programme and to put forward considered budget proposals which may in this province involve additional taxation, possibly including a tax on agricultural incomes, and I gather from the last sentence of paragraph 16 of your letter that you too hold this view. As you are no doubt aware, the Finance Minister in Bombay is calling a conference of Finance Ministers to consider taxation proposals; my Finance Minister will I hope attend and this seems to me a reason for giving these *ad interim* Governments time to formulate their proposals.

I have already referred to the desirability of encouraging as far as practicable the formation of a party consisting of non-Congress elements, and I feel that a detailed programme may contribute to this end. A further advantage which would arise from having the detailed proposals of a new Ministry appears to me that it would facilitate action during a period of suspension; whether there is full or partial assumption, we clearly cannot stand still and refuse to deal with urgent problems, such as rural indebtedness or tenancy questions.

If a Session was held at the time suggested by my Ministers, there would of course be a difficulty which had occurred to me before I saw a copy of your telegram No. 456-S. to the Secretary of State, that if Congress decided to accept office, they would have to get passed by the end of September a budget of which they probably disapproved. They might be persuaded to do so on the understanding that a revised budget could be put forward later in the year, say, in November, and if they were really anxious to accept office, they might agree to this. Further even if the Session was held in early July, Congress would not have much time in which to recast the budget. If on the other hand the session was followed by action under Section 93, it would not matter on what date it concluded.

For this reason I recommend that the Session should be held not earlier than the beginning of August, and from reports in the papers I see Orissa contemplate this date.

I may add that unlike other Governors I have not received any requisition for a Session and the idea current in the Province is that no Session will be held before September. Whatever may happen elsewhere, this fact makes it easier for me to fix a late date and I am led to hope from what you have said in paragraph 7 of your letter that you will not object to my date being early in August.

Very well, but other Provinces may summon earlier and the reaction in those Provinces of Congress to a renewed invitation can't fail to affect the position in other "Congress" Provinces"—Linlithgow

Dissolution

9. Before proceeding to discuss the question of action under Section 93, I refer to two other points raised in your letter. In the first place I have already indicated that I agree with the view expressed in paragraph 14 of your letter that the defeat of a Minority Ministry should not be followed by dissolution and a general election. The reasons which you give for such a view are extremely strong, and it would be most undesirable for an election to be fought on a point of difference between a Governor and Congress. It must however be recognised that the refusal to allow an appeal to the country may force Congress to start Civil Disobedience.

Resignation by a Minority Ministry before meeting the Legislature

10. Both I and my Ministers had heard the suggestion that Ministers should resign before meeting the legislature; they regarded such a pusillanimous course as out of the question. I need not repeat your arguments, for I fully agree with all of them and I also agree with your conclusion that we should endeavour to dissuade our Ministers from taking such a course. My Ministers in spite of difficulties and criticism are still full of courage and I do not anticipate that they will be afraid to face the music. I may again add that in particular I concur in your view that the Ministry must face the legislature with the best possible programme, and it is for this reason that I have suggested a late Session.

Action under Section 93

11. It seems to me highly probable that the breakdown of the constitution will be followed almost immediately by a revival of Civil Disobedience. Congress will have secured their first object of showing that at least in certain Provinces the constitution is unworkable, they will not have succeeded in their more important object of getting Parliament to agree to an amendment of the constitution. I trust that I am not being too pessimistic in foreshadowing this possibility; it is a case of history repeating itself; the position is much the same as in 1931. Then as now an attempt was made to win over Congress to a more reasonable attitude and to adopt a constructive and not a purely destructive outlook. The attempt failed for reasons and with results which I need not recapitulate. If on this occasion we fail to persuade Congress to be reasonable or if, as they will contend, we continue to be obstinate, they will be driven to fall back on the weapon which Gandhi and Nehru always keep in reserve.

To deal with such a movement, apart from "repressive" action, it will be necessary also to do something to meet the legitimate grievances of the tenants, in fact to carry on with the programme which I hope my present Ministry will have put forward; if we fail to do this, we shall merely increase the power of the left wing of Congress, and in this province we may be faced with very dangerous "Kisan" agitation. It will also be desirable to get all support which we possibly can from "loyal" sections of the people.

³"That's right! We shall have to go "all out" in both directions—disciplinary and constructive; and if Section 93 comes along, we may resign ourselves to a long bout of it."—Linhthgow

12. Though I am only prepared at present to put forward tentative views, which I hope to be able to elaborate later, I cannot help feeling that we should be in a stronger position to deal with the situation if the assumption of power was only partial and if we kept our Ministries alive. We could of course in no way force the Ministries to continue in office and I recognise that their position might become even more

humiliating than it is at present and that they would become a target for attack. But if they were prepared to continue in office, it would show to the public generally that we had no wish to assume dictatorial powers, but were prepared to govern with the aid of those elected representatives of the people who were not out merely to wreck the constitution. I do not entirely agree with certain Governors that the legislatures would be a danger; if their functions were limited to discussing "beneficent" legislation,—it would of course be necessary to allot no time for private business,—it may put the opponents of Government in a difficult position. It is however a difficult question and I am not prepared at this stage to give a final view.

"Very well. No reason why all provinces should do the same thing. But most opinion is clearly moving in the direction of total assumption."—Linlithgow

13. In conclusion, I must express regret for having put forward a somewhat pessimistic view; I have studied the methods of Congress or their dictator, Mr. Gandhi, with some care during the past five or six years, but I am afraid that I have come to the conclusion that they will never adopt a reasonable attitude. We anticipated that they would be reasonable after the Delhi Pact of 1931; we anticipated that they would be reasonable over the question of office acceptance in April last; in both cases our anticipations proved incorrect and Congress stood out for conditions to which the British Government could not agree, as they would have been unfair to other interests in India. I recognise fully the necessity of conciliating Congress, but I do not anticipate that any steps we may take will be successful. The result will be that we shall, as you observe, be in for a long fight, but my proposals have been designed with the object of securing that in that fight we get as much support as possible.

"And with a clear conscience and good hope of strong and widespread support on the home front."—Linlithgow.

Yours sincerely,
M.G. HALLETT

275

*Cunningham to Linlithgow: Endorses Viceroy's Line of Action Towards Congress**Linlithgow Papers*

GOVT. HOUSE, NATHIA GALI

26 May 1937

[Secret & Personal]

DEAR LORD LINLITHGOW,

I have received Laithwaite's letter forwarding a copy of Your Excellency's letter of May 18th¹ to the six "Congress Governors", and of your telegram of 21st May to the Secretary of State regarding the attitude that should be adopted towards Congress. Although this Province is not yet face to face with the particular difficulties with which the correspondence deals, I would like to be allowed to say how extremely helpful it is to be kept in touch with such matters, and to be given the guidance which I, at any rate, feel that I sorely need in the difficulties which face us.

2. So far as I am able to judge, the course described by Your Excellency is exactly that which I would wish to follow, if Congress obtains a majority here and then refuses to take office. I do not myself feel any doubt that complete, and not partial, assumption of power under Section 93 would be necessary. If power were assumed only for some specific purpose such as supply, I think that Ministers would feel themselves in a very awkward position and would resent such action being taken by the Governor. They would, I think, feel that he had done just enough to get what he wanted for the time being and was leaving them to fight on in a very disheartening kind of battle. Nor would I be in favour of a Governor having recourse to Section 93 before he is constitutionally forced to do so (the question referred to in paragraph 16 of Your Excellency's letter). I am sure that our opponents here would simply say that the Governor was straining his powers in order to shield an impotent Ministry. I have already been criticised here (not perhaps without justification) for having limited our last session to the barest minimum necessary for formal business. From my own point of view, I have been more amused than disturbed at this, but it is bad, I think, from

¹ See No. 259

the Ministers' point of view. It can be so easily used as propaganda to show that the Ministers distrust their own following. Another reason in favour of holding a budget session is that it will force the waverers to show their hand. There are a certain number of members of our legislature whose loyalty to the Ministry is very lukewarm, and it would be far better to show them up in a division than to remain in uncertainty as to their real politics.

3. As to the question of dissolution, I agree that this is to be avoided, if possible, for some time to come. In present circumstances it would almost certainly mean an increase in the strength of Congress in this Province and we should, therefore,—on the hypothesis that Congress still refuse office—be no further on. Quite apart from the question of expense, I am sure that no members, and probably few of the general public, would welcome an election in the near future. We have local reasons, too, for trying to avoid another election for the present. Our last elections were used by a good many people as an opportunity to talk a good deal of stuff that was "Red-Shirty" and more or less revolutionary. It had a most unsettling effect on some of our tribes, as well as on the people of our own districts.

4. I will keep Your Excellency informed as to the way things move here and as to the possibility of my having to have recourse to Section 93. As I have mentioned in my fortnightly reports, the Ministry is not too stable. Their position is apparently going to depend on four or five members who are at present doubtful (having gone back on previous promises). But I think Sir Abdul Qaiyum is more hopeful now than he was a month ago. If the worst happens, I take it that the position will then be that I invite Dr. Khan Sahib, as leader of the Congress Party, to form a Ministry. He will presumably refuse, and will very probably suggest that I should invite one of the small independent group of six or seven to take office, on the tacit understanding that Congress would support them in a division. I am not quite certain how far it would be incumbent upon me to invite a small party of independents (might better call them Mercenaries!) to form a Ministry in such circumstances. It is a matter on which I would be grateful for Your Excellency's views, though I appreciate that it may depend upon circumstances which I can hardly yet forecast.

5. I look forward with great interest to hearing what line of action is finally decided upon for the six Congress Provinces.

Your sincerely,
G. CUNNINGHAM

276

Brabourne to Linlithgow: On Viceroy's Appreciation of the Political Situation

L/P.O./6/100

GOVT. HOUSE, BOMBAY

26 May 1937

[Secret & Personal]

MY DEAR LINLITHGOW,

I hope I have not caused you any inconvenience by not replying to your most interesting letter of May the 18th¹ before this, but I was anxious to hear the latest news from Mr. Jamnadas Mehta (who, though not Chief Minister, is really the moving spirit of my Cabinet) and from Turner before doing so.

2. I could easily reply to your letter in one single sentence, by saying that it puts the whole position with absolute clarity and I agree with every word of it, but, as you may care to have fuller comments than that, I will take the various paragraphs in your letter on which you may wish to have my views.

3. Your paragraph 2. There is certainly no sign of a split in Congress ranks on the office acceptance question in this Presidency, but Jamnadas Mehta tells me, in confidence, that negotiations are on foot which may lead to a few (he puts the number at 6 or 7) of the more Right wing Congressmen coming over to the present Government on a question of confidence and the budget. He personally thinks that there is a sporting chance that the present Ministry may survive, but I fear that this is really ultra optimism on his part. My own view is still that they are bound to be defeated during the early days of the session.

4. Your paragraph 3. I have given much thought to the question of the advisability of your making a statement yourself and, on the whole, I think it would be a good thing for you to do so. I fully realise that there is really nothing new for you to say, but I feel that the very great authority which any statement made by you carries with it will underline, once and for all, the statements made by the Secretary of State and such Governors as have made them.

In the same paragraph you mention the question of an early summoning of the Legislatures. I have gone into this point and I find that the earliest date by which my Finance Department can be ready with

¹ See No. 259

the budget is July the 12th, but quite possibly this may be somewhat optimistic, in which case I would not be able to summon the Legislature until July the 19th. I hope you will not think that the latter date is too late, but the sudden collapse of Freke (my Finance Secretary) has somewhat retarded everything.

On the same subject I agree with what you say at the end of your paragraph 7, namely, that it would be a definite mistake for all the Provincial Assemblies in the Congress Provinces to meet on a uniform date.

5. Your paragraphs 9 to 13 inclusive. Anxious as I naturally am to see Congress in office at an early date, I cannot really bring myself to believe that there is much chance of this materialising. I know that many of the more sensible Congressmen in this Presidency are anxious to see their Party in office, but Kher will follow orders from above quite blindly and with absolute loyalty, and I have the feeling that, in their heart of hearts, the people who control the Congress have really no intention of accepting office. I believe they will face us with one impossible demand after another, and that the further we go in trying to meet them, the further will they try and push us. We have, I think, already gone quite as far as it is safe to go in the assurances which have been given; these assurances do not seem to have had the required effect, and I do not see how we can possibly go any further.

If this view proves to be correct, I agree, most emphatically, with the conclusion which you arrive at the end of your paragraph 13, namely, that we must face the issue at once and take over *complete* control under Section 93. The alternative, *i.e.*, the assumption of partial control, would, in my opinion, be unworkable and most dangerous.

6. Your paragraph 14. I will probably be faced here with a strong demand on the part of Congress for a dissolution in the event of the present Ministry being defeated and Congress refusing to accept office. Congress are very anxious to have a fresh election here, as they are very hopeful that they would greatly increase their influence in the mofussil by another election campaign. One of the arguments they will probably use is that they have only got a bare majority here. To this my reply would be that, if they can get a sufficient number of people to follow them into the lobby to defeat the present Ministry, they are clearly in a position to form a Ministry themselves, and that therefore a dissolution is quite unnecessary.

I agree with you that a dissolution this summer would be a grave error, and that it would be playing straight into the hands of those Congressmen who are anxious to seize on any opportunity for preaching anti-British propaganda in the mofussil.

7. Your paragraph 15. This raises the important point of the method

to be employed for letting people know, informally, that I do not contemplate a dissolution. Personally I agree with the suggestion and would like to take the steps you suggest, but I will not do so until I hear further from you in case you change your opinion on this point after hearing from the other Governors.

8. Your paragraph 16. I regard the suggestion that the Minority Ministries might resign without meeting the Legislatures as a thoroughly pernicious one from every possible point of view. I have heard that my Chief Minister has had a letter from the Nawab of Chhatari suggesting this course. Unfortunately, the information has come to me in a very confidential way and I cannot mention this point to my Chief Minister, at present, without giving away my source of information; but, as Jamnadas Mehta, who is at heart a great fighter, is determined to face the Assembly, I do not feel anxious as to the effect of the above-mentioned letter, as Jamnadas will almost certainly carry the day in the Cabinet, should the question arise.

9. Your paragraph 18. Here, again, I am certain that you are right and that Governors should be most careful as regards disclosing future plans to the Minority Ministers.

In this same paragraph you touch lightly on the question of the selection of Advisers in the event of Section 93 being brought into force. I know that one or two of my present Ministers expect to be employed in such a capacity should a breakdown occur, but I have taken great care never to give them any grounds for such expectation, and my own personal view at present is that, if we take over, complete power under Section 93, we should appoint officials as Advisers and not non-officials, who will have been shown, only quite recently, not to have the backing of the elected representatives of the people.

10. Your paragraph 19 (maintenance of contact with Congress). I sent you a telegram on May the 23rd giving you my views on this point, and I can only repeat that I will make a point of continuing my contacts with people who are in touch with the Congress leaders here.

11. Your paragraph 20. I can well understand the attraction, from an electoral point of view, of the latest issue raised by Congress, namely, Dismissal *versus* Resignation, and I think that this demand should be resisted at all costs. It would, I think, be making Congress a most unnecessary present in the form of a completely watertight election platform whenever they wanted one, and one can imagine issues arising (let us say, for example, some blatant attack on the rights of the Imperial Services) which would give Congress a ready-made election cry which it would be more than difficult for the anti-Congress Parties to resist.

12. Finally, let me say that I agree that we must continue to do all that we possibly can, without endangering our position under the Act, to

bring Congress into power, but that the weight of probability seems to lie against this proving possible, and that we should, therefore, now get on with detailed preparations for all eventualities in July or August.

13. In dictating the above letter I have completely ignored your telegram No. 456-S, of May the 21st, to the Secretary of State, of which I was delighted to get a copy through Laithwaite. I felt that you would probably want to hear my reactions to your letter, uninfluenced by what I have read in this telegram. I entirely agree with you when you say that it would be a grave mistake on your part to see Gandhi unless the request came from him, and I feel that the same applies to Governors in the Congress Provinces, for the moment at any rate.

14. Most of my Ministers are on tour, for the moment, and I am not likely to see them again until Government assembles in Poona next week. I will be seeing a number of people between now and leaving Bombay next Tuesday, and I will keep you closely informed of any useful gossip I may pick up.

Yours ever,
BRABOURNE

277

Hubback to Linlithgow Regarding General Objectives of Government Policy

L/P.O./6/100

GOVT. HOUSE, PURI
27 May 1937

MY DEAR LORD LINLITHGOW,

In this letter I am replying to Your Excellency's secret and personal circular letter dated the 18th May as well as to the covering letter of the same date and Your Excellency's personal and confidential letter dated the 22nd May 1937.

I had been very anxiously considering the possibilities prior to the receipt of these letters, and I fully accept the general objective of our policy, as that stated in paragraph 21 of the circular letter.

2. In paragraph 19 of that letter Your Excellency refers to the importance of maintaining contact with the provincial leaders of the Congress Party and more particularly with the moderate elements. I have already telegraphed saying that I am unable to suggest any definite step that might be taken with a view to attracting the moderate elements. Since April 1st I have had no opportunity of getting into touch with any

of the Congress leaders since they are bound by orders from the centre to refrain from social intercourse with officials and are not even able to accept a personal invitation from myself to a discussion without the permission of the local Congress Committee. They have been invited to take part in non-political functions in which I or my ministers and officials have taken part, but they have declined to do so. For example, Congressmen in general refused to attend the inaugural meeting of the Orissa Academy, a body formed to promote the study of history, literature, art and science with particular reference to Orissa. Similarly they would not attend a public meeting of the citizens of Cuttack called by the Minister in charge of the portfolio of Local Self-Government, to consider the release of the Cuttack Municipality from Government administration, although this was a matter in which many of them had considerable interest. This attitude does not, I believe, represent the real feeling of quite a number of the local Congress leaders, but it indicates the weight of discipline on them and the difficulty of making any direct contact. In Orissa any genuine feeling against office acceptance without assurances is confined to a few extremists, but I do not at present see any prospect of any moderate Congress leader considering the acceptance of office until the All-India Congress Committee removes the ban, or a lead is given by Congress moderates in other Provinces. I am, however, doing all that I can to maintain indirect contact with the Congress moderates and to ascertain the direction of their thoughts.

3. Another point which it would perhaps be as well to clear out of the way before coming to the major questions involved, is that discussed in paragraph 18 of the circular letter—the extent to which disclosures should be made to the Ministry of our policy in the event of a breakdown. Up to now I have gone no further than to ask the Chief Minister to think over and let me know in due course what line he would be likely to take if I should hereafter decide to invite him to carry on under a partial resumption of power under Section 93. I have not yet had his reply. I indicated to him that I have reached no decision of any sort. But I felt that the willingness or unwillingness of the Chief Minister to carry on is a very important factor in balancing the relative advantages of complete and of partial resumption.

4. In regard to the issue of dismissal *versus* resignation, I feel that in Orissa it is essential for a Governor, if he is to discharge his special responsibilities, to avoid giving a promise that he will refrain from passing orders in the exercise of his individual judgment except where he is prepared simultaneously to dismiss a Minister or the Ministry. I do not at present see any opportunity of making a public statement regarding this question, but I am considering other means of dissipating any impression that I am prepared to give way on that point.

5. I note that Your Excellency proposes, subject to further consultation with the Secretary of State, to issue a message or public statement in general terms, and contemplates that the legislatures should be summoned towards the end of June or early in July, the main reason for fixing an early date is to prevent the Congress having the opportunity of saying that they cannot take office because they have no time to frame and pass a budget before October 1st. As I stated in paragraph 9 of the report enclosed with my letter dated the 16th May, the Finance Department for reasons peculiar to the province is not in a position to have the budget ready before the 15th July. The present Ministry still has a chance, even if a remote one, of securing essential supply, and I do not think it would be fair to them to reduce their chances by asking them to defend in a legislature of the present kind a budget which they had not full opportunity to study. If, as I at present propose, the Assembly is summoned for the 26th July, the budget will be ready for the voting of demands before the end of the first week of August, and if the Congress desire to replace the present Ministry, they could do so effectively by that date. They would still have seven weeks to revise the budget and have it considered and passed. I may say that like Hallett I have had no demand for an early meeting of the Assembly and intelligent forecasts placing the date as the 21st July have appeared in local Congress papers without adverse criticism. No great scope for revising the budget would be open to a Congress Ministry, since the free balance is so small. I do not feel that in Orissa such an excuse, as is contemplated in Your Excellency's letter, for a second refusal to take office would carry any conviction. Still if it would help the general situation, I would advance the date by about a week, though I should be very reluctant to do so.

6. I now come to the possible course of action in the event of a breakdown. As Your Excellency is aware I was at first generally in favour of a partial resumption of power on the same grounds as are expressed in the earlier part of paragraph 13 of the circular letter. Before the receipt of Your Excellency's letter, I had, however, become very doubtful of the advisability of this course. If the Assembly were left in action, the majority would probably take every opportunity to initiate legislation of a kind that would be embarrassing to Government, to pass hostile resolutions, to abuse the right of interpellation and generally to cause as much trouble as possible. The present Legislative Assembly Rules would stand, and indeed would be open to amendment by the Assembly. They would be interpreted and enforced (or possibly ignored) by a Speaker who will almost certainly be a member of a party pledged to wreck the Constitution. I feel too that the result of keeping a minority Ministry in office, after a major defeat in the legislature, would be to lay myself open to the charge of favouring a particular political

party, and that charge probably would be made not only by the Congress party but also by the groups of the non-Congress Members of the Legislative Assembly who are not closely bound to the present Ministry. I am therefore now in favour of assumption of full power under Section 93. In this event it might still be possible to work with a small body of non-official advisers, but at any rate in the first instance I agree that they would not be necessary. I note that Your Excellency proposes in paragraph 4 of your letter dated the 22nd May to address me again on this point. At any rate the appointment of non-official advisers might be delayed for some little time. It would in fact be perfectly easy in Orissa to revert to the system of personal Government which prevailed during the year 1936-37. I note and appreciate the importance of obtaining as close contact as possible with Congress during the period in which Section 93 is in operation.

7. As regards dissolution, I have nothing to say except that I entirely agree with the view expressed by Your Excellency in paragraph 14. I also agree that it would be as well to let this view be generally known, as soon as may be, by indirect means.

8. I see no advantage whatever in suggesting to my Ministers that they should resign before meeting the legislature.

9. Finally I should like to put down what I feel are three guiding principles for the period, if it comes, of administration under Section 93:—

- (a) to secure the peace and good government of Orissa;
- (b) to bring home to those, who have in one way or another been instrumental in causing the breakdown of the Constitution, the disadvantages of their action;
- (c) to secure that, when the normal operation of the Constitution is resumed, it shall be resumed in the least unfavourable atmosphere possible.

Yours sincerely,
J.A. HUBBACK

278

Governor of Madras to Viceroy on Rajagopalachari's New Formula

Linlithgow Papers

27 May 1937

TELEGRAM XX, *Clear the Line. Private & Personal*. No. 39-C. Owing to intervention of Mirza Ismail and others Rajagopalachari has written me a letter to say that he would be glad to see me if I care to see him. Interview is therefore being arranged shortly. I am given to understand that he is going to say he is satisfied in regard to his original demand for assurances with Secretary of State's speech, and that instead of a demand for dismissal he is going to request that in the event of difference occurring, Governor should demand resignation of Ministers. If this is really so, I am bound to say there does not seem to me to be any real difference between dismissal and demand for resignation, and it therefore appears that we are not really any nearer to agreement. I shall tell him that he must retain his right of resignation and I must retain my right of dismissal and that it will not be possible for me to agree to demand my Minister's resignation every time I may happen to disagree with them in exercising my discretion or individual judgment when I am required to do so under Act. Nevertheless it is doubtless of value that direct contact has been re-established. Please telegraph whether you agree to answer I propose to give him.

279

Viceroy to Secretary of State on Governors' Special Responsibilities

L/P.O./10/14.

28 May 1937

Telegram-488S. Private and personal. I repeat in my immediately succeeding telegram correspondence with Erskine. If you have any comments, I would be most grateful if you would telegraph as early as possible. For myself I regard this move by Rajagopalachari as a substantial justification of policy which we have so far pursued, though I fully appreciate that we shall have to move carefully so as to avoid the

impression being made on public opinion that differences between Congress and ourselves have now been whittled down to nothing, and that there is no reason why we should not concede this dismissal versus resignation demand. I am clear from reports I receive that minorities and Moslems are watching most closely the lines we are likely to take, for their present attitude is to regard any formula conceding Congress demand for dismissal rather than resignation as a subtle method of side-tracking and rendering nugatory the special responsibilities. Sikan-der in particular has made this very clear in public speeches. I have no doubt that Princes equally are alive to importance of any whittling away of responsibilities formally placed on Governors by Act. We must, therefore, watch our step carefully. But advance, such as it is, certainly at this stage appears promising.

280

Viceroy to Secretary of State on Rajagopalachari's New Move for Rapprochement

L./P.O./10/14

28 May 1937

490 S. Private and personal. Following is text of my reply to Erskine's telegram repeated in my immediately preceding telegram. Private and personal. Your private and personal telegram dated 27th May, 39 C. This is a promising advance, and if Rajagopalachari confirms that original demand for assurances is abandoned in the light of Secretary of State's speech it would represent a substantial move forward.

2. It seems clear that Congress is now concentrating on dismissal versus resignation issue. I agree with you that an arrangement under which, in the event of difference occurring, Governor should demand resignation of Ministers does not in substance differ from convention that he should dismiss them. I suggest that in conversation with Rajagopalachari it would be worth bringing out—

- (a) That give and take is of the essence of party government and that no scheme can be worked satisfactorily without a certain amount of elasticity. A rigid formula, such as Congress appear to contemplate, would be likely to precipitate a crisis, possibly on a point of very minor importance and one on which Ministers might themselves in fact be reluctant to resign, rather than, as is our whole object, to avoid and eliminate occasions for such crises.

- (b) His formula as it stands (and equally a formula which would require a Governor to dismiss on any difference occurring) surely involves use of a steamhammer to crack a nut. Does he seriously suggest that on any difference, however small and unimportant, a Governor should be bound to require resignation of his Ministers? Cabinet Government is not conducted on those lines and differences in practice are explored and resolved by friendly discussion between the two parties. It is only in extreme cases, where an issue of really major importance, the solution of which in a particular sense the Ministry feel to be quite vital from their point of view, cannot be so resolved owing to opposition of the Governor or obstacles placed in the way by him, that a Ministry, would contemplate an intimation to the Governor that their services can no longer be regarded as at his disposal and that he must find others to assist him in carrying on business of government.
- (c) Constitutional practice leaves a Governor, it is true, right to dismiss. It equally places right to resign in the hands of the Ministry. But while power of dismissal rests in the hands of Governor the period since any right of dismissal has been exercised at home is a very long one indeed and there are hardly more than one or two recent examples of a right of dismissal being exercised by the King or like in constitutional systems working normally abroad. (I think that King of Denmark some years ago dismissed his Ministry and so in effect appealed to the country and that ensuing election justified his action.)

3. A letter just received from Birla recording discussions with Gandhi suggests that Rajagopalachari is probably approaching you with Gandhi's knowledge and permission, and that he may use the argument that voluntary resignation is not enough since "because it is the Governor who interferes the responsibility of justifying his action should eventually fall on the Governor himself" and that dismissal by the Governor would give Ministers legitimate safeguard that "if it was the Governor who had to dismiss the Ministry, before taking such step he would naturally have to consult the Secretary of State and, whatever be the Governor's personal prejudices, he would not be able to take any action without the matter being given full consideration at the hands of the highest authority. When Governor consults Secretary of State, the latter will have to give full weight to merits of case. The British public and Indian public both will have to be satisfied as to serious nature of step." All this, of course, emphasises that, in effect, under either of types of formula referred to in paragraph 1, Congress, on assumption that Governor would not, save in last resort, feel justified in facing issue

involved in dismissal, would be able to neutralise the special responsibilities, and we must be exceedingly careful to guard against that; for it goes without saying that that is not a situation which we can contemplate. I think it would be well worth while in the course of conversation to indicate tactfully to Rajagopalachari, who no doubt fully appreciates position, that in area covered by special responsibilities a decision by Governor to disregard on a particular point the advice of his Ministers at once places upon the Governor entire responsibility for course pursued and to that extent removes from Ministers all immediate responsibility, so far as that point is concerned, and that Ministers will be entitled to make position clear to the Legislature and so to public. Your view is therefore that no question of Ministry demitting office on account of your exercise of your special responsibilities should in any circumstances arise. Again, it is plain that, since exercise of Governor's special responsibilities means in effect that matter at issue is *pro tempore* and *pro tanto* brought within the authority and control of Imperial Parliament, it is not possible to contemplate its submission, by means of dissolution, to Provincial electorate.

4. But, quite apart from constitutional argument, it is evident that very nature of the special responsibilities, as conditioned by their several categories as laid down in section 52, almost precludes possibility of any point upon which a Governor is empowered to exercise his special responsibility being of such a character as to render it capable of being an issue before the electorate. Thus, to take two examples, it is inconceivable that exercise of his special responsibilities by Governor in order to protect rights of an individual member of the Services could be made the subject of an appeal to the electors. Again, the steps taken in discharge of special responsibilities to protect a Hindu or a Moslem minority as the case may be without concurrence or against advice of the Provincial Cabinet would be *ex hypothesi* unsuitable for submission to an electorate predominantly Hindu in composition, since even though after dissolution the electorate were to return the Ministry with an increased majority the Governor could not in duty allow the rights and liberties of the minority communities to be invaded.

5. Thus your reasons are twofold for rejecting the suggestion that in the event of your disregarding, in exercise of your special responsibility, the advice of your Ministers you should undertake either to dismiss them or to call for their resignation. In the first place, and as between resignation and dismissal, you are of opinion that, as measured by practice and experience in the United Kingdom and other countries, it is in the public interest that the Governor's power to dismiss and Ministers' or Ministry's right to resign should both remain untrammelled by any previous undertaking. But, quite apart from merits of the

issue as between resignation and dismissal, your difficulty is that, for reasons already explained, you find yourself quite unable to accept implication that when a Governor exercises his special responsibility the Ministry should demit office.

6. I hope very much that despite our inability to meet Rajagopalachari your conversations with him and opportunity they afford for informal contact and friendly appeal to his sense of reality may produce a positive result.

I am repeating your telegram with this reply to Secretary of State in case he has any comments. I suggest that it would be well to delay the interview for a day or two to give him time to reply.

281

Jinnah to Asaf Ali: Doubts Intentions of the Congress

Jinnah Papers

28 May 1937

MY DEAR ASAF ALI,

I thank you for your letter of the 23 May.

Do you think any useful purpose will be served by my formulating concrete proposals. I recognise your good intentions, your good offices when you assure me by saying "I shall see that this reach those who can speak authoritatively". May I know which are those who can speak authoritatively? Cannot they think of any concrete proposals which will secure a general economic welfare of the Mussalmans as well as satisfy them sufficiently to restore a sense of security and confidence in the majority. My reading of the situation is that the Congress headquarters are not really in earnest to tackle the question of Indian Mussalmans. I hope that information is wrong. But at present I see no light.

Yours sincerely,
M.A. JINNAH

282

Iqbal to Jinnah on a Free Muslim State¹

LAHORE,
28 May 1937

MY DEAR MR. JINNAH,

Thank you so much for your letter which reached me in due course. I am glad to hear that you will bear in mind that I wrote to you about the changes in the constitution and programme of the League. I have no doubt that you fully realise the gravity of the situation as far as Muslim India is concerned. The League will have to finally decide whether it will remain a body representing the upper classes of Indian Muslims or Muslim masses who have so far, with good reason, taken no interest in it. Personally I believe that a political organisation which gives no promise of improving the lot of the average Muslim cannot attract our masses.

Under the new constitution the higher posts go to the sons of upper classes; the smaller ones go to the friends or relatives of the ministers. In other matters too our political institutions have never thought of improving the lot of Muslims generally. The problem of bread is becoming more and more acute. The Muslim has begun to feel that he has been going down and down during the last 200 years. Ordinarily he believes that his poverty is due to Hindu money-lending or capitalism. The perception that it is equally due to foreign rule has not yet fully come to him. But it is bound to come. The atheistic socialism of Jawaharlal is not likely to receive much response from the Muslim. The question therefore is: how is it possible to solve the problem of Muslim poverty? And the whole future of the League depends on the League's activity to solve this question. If the League can give no such promise I am sure the Muslim masses will remain indifferent to it as before. Happily there is a solution in the enforcement of the Law of Islam and its further development in the light of modern ideas. After a long and careful study of Islamic Law I have come to the conclusion that if this system of Law is properly understood and applied, at last the right to subsistence is secured to everybody. But the enforcement and development of the Shariat of Islam is impossible in this country without a free Muslim state or states. This has been my honest conviction for many years and I still believe this to be the only way to solve the problem of bread for Muslims as well as to secure a peaceful India. If such a thing is

¹ Jamal-ud-din Ahmad, *Historic Documents of the Muslim Freedom Movement* (Lahore, 1970)

impossible in India the only other alternative is a civil war which as a matter of fact has been going on for some time in the shape of Hindu-Muslim riots. I fear that in certain parts of the country, e.g. N. W. India, Palestine may be repeated. Also the insertion of Jawaharlal's socialism into the body-politic of Hinduism is likely to cause much bloodshed among the Hindus themselves. The issue between social democracy and Brahmanism is not dissimilar to the one between Brahmanism and Buddhism. Whether the fate of socialism will be the same as the fate of Buddhism in India I cannot say. But it is clear to my mind that if Hinduism accepts social democracy it must necessarily cease to [be] the Hinduism. For Islam the acceptance of social democracy in some suitable form and consistent with the legal principles of Islam is not a revolution but a return to the original purity of Islam. The modern problems therefore, are far more easy to solve for the Muslims than for the Hindus. But as I have said above in order to make it possible for Muslim India to solve the problems it is necessary to redistribute the country and to provide one or more Muslim states with absolute majorities. Don't you think that the time for such a demand has already arrived? Perhaps this is the best reply you can give to the atheistic socialism of Jawaharlal Nehru.

Anyhow I have given you my own thoughts in the hope that you will give them serious consideration either in your address or in the discussion of the coming session of the League. Muslim India hopes that at this serious juncture your genius will discover some way out of our present difficulties.

Yours sincerely,
MOHAMMAD IQBAL

283

Nawab of Chhatari to Sapru on Political Situation in U.P.

Sapru Papers

30 May 1937

MY DEAR SIR TEJ,

Thanks for your letter of May 21. The last letter that I wrote to you must have reached by now. Sir J.P. Srivastava showed me one of your letters; I have not seen the other. Yes, I wrote a letter to Pandit Govind

Ballabh Pant,¹ a copy of which I enclose along with a copy of Pandit's reply². I am glad the "Leader" has supported us in this.

Now, I will tell you what I think of the situation. In my humble opinion it will be desirable if before the Legislature meets we ask H.E. the Governor formally to make one more approach to the majority party to accept office in view of the statements made by various Governors and by the Secretary and Under Secretary of State. The constitutional position has been made quite clear and what is still more convincing is the real working of the constitution in the last two months. If a Governor does not like to interfere with the programme of a minority Ministry, how would he dare to interfere with the programme of a majority Ministry as long as they are within the Constitution. If they accept office, well and good; if they refuse again, then personally I feel that we shall be in a better position to face the Legislature as we shall be able to say that twice they were offered office and twice they declined and that we are carrying on king's Government but that we do not wish to stick to office and that we advised the Governor to give them another offer. Of course, whatever we may say, a vote of censure will be passed on us. The present condition in the House is that while there was a great danger of Muslim League going over to the Congress side, the Congress people took up such a high and mighty line that Mr. Jinnah fought with Jawahar Lal and they decided not to join Congress. Therefore, I feel that with the exception of three or four persons like Khaliq-uz-Zaman, Muslims will not join the Congress in a vote of no-confidence. As to the other members, I may tell you that we may be able to get eight or nine persons more towards our side, and our number may go up to 100, it cannot go beyond that. If a vote of no-confidence is passed and if the Congress refuses again to accept office, there will be no alternative left but to suspend the Constitution. I agree with you that it is not likely that if another election is held within a year or so we may have a majority in the House. The reason is this, that although we used to advocate lowering the franchise, the franchise has been so much lowered that the average voter cannot understand that no Government can run without taxation and that by dividing the wealth of the rich people it is possible to make them poor, but it is impossible to make the rest rich. These questions are such that only a man with education and developed intelligence can follow. The result of the election will be that further promises from the Congress may carry it through once again. But if the tenants are disappointed, say, for two years and if a propaganda is carried on that the Congress made promises but could not fulfil them, the position may be different. Although it may sound rather retrograde,

¹ See No. 232

² Not printed

yet I am sure we lowered the franchise too much, having regard to the condition of our electorate. My own reading of the situation is that if the Congress is not going to accept office within three months they will again embark on a campaign of non-cooperation and we shall again have to maintain law and order at any cost. When I say "we" I do not mean this Government; what I mean is that the British Government in the provinces will have to maintain law and order. After a spell of non-cooperation there may be another election; but at present there are signs that the Congress people are trying to prepare the rural areas for non-cooperation. One great difficulty which I am faced with at present is this. You know I always believe in mixed parties; but in the present situation if I speak of mixed parties the Muslims are likely to say, "if you believe in a mixed party let us go and join the Congress. It is a mixed party and less communal than other Hindus that you have got with you." That is really my difficult problem. I was approached by many friends to start a new mixed party, but I have declined for the following reasons.

(1) I do not think this is a proper moment to do so. If the Congress people accept office and commit mistakes, then they will give us an opportunity to do so. If they do not accept office but embark on a policy of non-cooperation, then again there will be an opportunity to do so; but not till then.

(2) The Muslim question. If I ask them to join the mixed party, at any rate some of them will join the Congress. However, I will discuss all this on your return.

I hope you are in the best of health. Please give my Salams to Lords Halifax, Zetland, Lothian and Willingdon if you happen to see them—also to Mr. Wedgwood Benn, Mr. Butler, Mr. Oliver Stanley and Sir Samuel Hoare.

With best regards,

Yours sincerely,
AHMED SAID

284

*Aga Khan to Linlithgow on Linkage between U.S.S.R. and Left-Wing Congress (Extract)**Linlithgow Papers*

1 June 1937

The Russians and their Satellites are, of course, all out to make any European trouble a world war and thus bring about their Communist world revolution—especially in India and Asia. I came to the certain conclusion that there is some kind of understanding of the Russian position amongst the left wing leaders of the Indian Congress. This conclusion I reached (I may tell you in great confidence) through the present Persian Ambassador in Moscow who is a relative of mine, as well as an old Geneva colleague. Of course he was not able to give me many details, nor was he in a position to say that it was the Russian Government. But he was certain that the International Communist Party¹ keen on saying in India that there will be a world war very soon between England and Germany....

¹ This refers to the Communist International which was established in 1919 with the object of overthrowing all capitalist and colonial governments by means of a general strike and revolution.

285

*Gandhi Urges Governors to Demand Ministers' Resignations in Event of Differences**The Times of India, 2 June 1937*

I am very anxious that Congressmen should take office—but only if Government show their willingness to conciliate the Congress.

If, as has been said, Lord Zetland has conceded all but the question of dismissal, the Congress asks Government to come a little way to meet it. The conciliatory moves so far have come from the Congress. It would have been easy at Allahabad to close the door by putting a narrow interpretation on the Delhi resolution. Instead it was kept open.

The only obstacle, so far as can at present be seen, is the Congress demand that in the event of serious disagreement between a Governor and his Congress Ministers, the Governor should dismiss them. I personally would be satisfied, however, if the Governor gave an undertaking that in such a case he would demand his Ministers' resignation.

Mr. Gandhi refused to agree that it was a small matter for the Congress, because his idea was to make the Governor think fifty times before he took the responsibility of dismissing his Ministries. In other words, Mr. Gandhi wished to "take advantage of the ordinary human virtue—it may be weakness—of not wishing to look a fool". Congress critics had said that this demand was merely a trifle. Mr. Gandhi asked: "If it is so, why not give the Congress the trifle?"

In any case, Mr. Gandhi affirmed, the object of the Congress demand was to test the sincerity of the British Government. Did they want the Congress in office, or did they not? In South Africa, Britain meticulously conciliated the Boer. In India, however, such a gesture was lacking. Indeed all the moves towards solving the impasse had come from the Congress.

Now the Congress did not demand any legal change. But it was being talked at instead of being talked to. It would appear that British statesmen and the provincial Governors were addressing the world and not the Congress. In fact, they might be accused of attempting as ever to discredit and isolate the Congress.

If Congressmen took office, they would be doing so with a full sense of their responsibility. Therefore, unless the Government recognized its policy of wrecking the Act and achieving independence by constitutional means as perfectly legitimate, they would not welcome the rule of the Congress majority.

Mr. Gandhi did not see any constitutional obstacle or impropriety in the Viceroy taking steps in an attempt to end the deadlock. It was known that the Viceroy had conferred with Provincial Governors before they summoned the Congress leaders. Surely, then, there was no obstacle to his asking the Congress President to meet him.

"I do not say that this is necessary. It is enough if the Congress demand in accordance with the Allahabad resolution is complied with."

"If Government would not make a gesture, the deadlock must continue. The result might in the end be the application of Section 93, that is, the suspension of the democratic portion of the new Constitution. Mr. Gandhi was prepared for that and its possible consequences. He preferred open oppression under a state of autocracy to veiled oppression of, and interference with, Congress Ministers. Though he was ready to face it, oppression was the last thing he desired. It would

increase the existing bitterness and hatred between Britain and India. He himself would die in an effort to prevent the tragedy, but there must come a time when his effort would be fruitless.

Mr Gandhi concluded: Nobody has yet said that the present Congress condition for accepting office is unconstitutional. The Congress had gone as far as it could, consistent with self-esteem and with its avowed object. The next move must come from the Government, if they really want the Congress to take office.

286

*Srinivas Rao to Jai Prakash Narayan on Congress Policy Towards Office
Acceptance (Extract)*

J.P. Papers, F. No. 320/1937-38

2 June 1937

You already know about the special interview which Rajagopalachariar gave to *Madras Mail*, a local Anglo Indian Daily which was the negation of the principle laid down by the Congress at Faizpur regarding the New Constitution.

In pursuance of the instructions issued by the acting General Secretary comrade M.R. Masani to agitate against the watering down of the A.I.C.C. resolution, our party held a public meeting, at which we criticised the statements of Mahatma Gandhi and C. Rajagopalachariar as being against the principle and policy laid down by the A.I.C.C. Resolution. We also stated that Congress leaders should stand by the A.I.C.C. resolution and not water down the fundamental spirit of the resolution....

The criticism of the leaders' statements at a Public meeting seems to have been resented by the leaders of Madras. I am reliably informed that the Working Committee of the Tamilnad Congress Committee which met yesterday here had passed a resolution recommending to the President I.N.C. that Congressmen criticising the actions of the leaders in public meetings should be dealt with properly....

287

*Graham to Linlithgow on Political Situation in Sind**Linlithgow Papers*GOVERNMENT HOUSE
KARACHI 5 June 1937

DEAR LORD LINLITHGOW,

I send herewith a letter dealing with the present position in Sind. Three copies are being sent to London in accordance with the directions of the Secretary of State.

Yours sincerely,
L. GRAHAM

P.S.V. —

No doubt. His Excellency will keep us posted on the question of assessment rates in the Barrage areas: a very awkward matter.

L.,—7-6-37.

[ENCLOSURE TO THE ABOVE LETTER]

It is early yet to say whether the attempt on the part of the Provincial Congress Committee at Kandiaro—a Taluka Headquarter town in the Nawabshah District—to attract the allegiance of the Muslim public will have more than a superficial success. It is not to be denied that under the present system of large estates and rightless tenants, there is good material for Congress agitators. I have been during the last year discussing the case for tenancy legislation with my Advisers and with many other people who have been to see me, and I find a general agreement, which I am unable to share, that in Sind at any rate tenants do not require to have any rights. What is peculiar about Sind is that a revenue system which was based on the idea of peasant proprietorship, that is to say, of holdings not beyond the capacity of the owner to cultivate, has in fact been applied to a country in which the land is shared among large holders, many of them residing in the towns, and few of them taking any interest in the actual cultivation of their lands. The tenants in general cultivate year by year with no fixed tenure and in lieu of rent they pay a share of the gross crop harvested. So backward are the people of Sind that I think it is true to say that hitherto there have been

no signs of agrarian movements against landlords; but this condition of affairs cannot continue for long and I consider it most important that tenancy legislation should be undertaken. On the other hand, I cannot do more than urge this upon my Ministers, all of whom are landlords themselves and are not at heart convinced of the necessity for any change. The argument I have tried to put to them is that the tenants are bound to be aroused to a sense of the injustice of their position before the next general elections and that unless in this period a measure of tenancy reform is passed, or at least an attempt towards it is made, the present Government, if it survives the length of this Parliament, will have a very poor chance of being returned at the next general elections, by which time the tenants, generally known as the haris, will have realised through the Congress agents, if in no other way, the strength of their case and the strength which the Constitution puts in their hands.

We have been distinctly worried by the fresh outbreak, this time in Shikarpur, an important town in the district of Sukkur, of Hindu-Muslim ill-feeling as the result of an alleged outrage on the Koran. There is so close a similarity between this outrage and that which was perpetrated in Hyderabad, and also in Mirpur and Ratodero, in the Upper Sind Frontier and Larkana Districts respectively, that we cannot help suspecting a conspiracy rather than an exhibition of fanaticism. We have instituted enquiries through our Criminal Investigation Department, but the Hyderabad case has produced no reliable information, and it is quite likely that we shall be as unsuccessful in Shikarpur. I have suggested to my Chief Minister that he should pass on the idea that custodians of mosques should not leave copies of the Koran lying about, but I am inclined to think that these burnings are not of copies of the Koran necessarily belonging to the mosques. The only satisfactory feature of these cases is that the district authorities in each case have shown great promptitude in dealing with what might have turned out to be an unpleasant and really dangerous situation and that order has either not been disturbed at all or has been very rapidly restored. In Hyderabad I think I gave credit before to the action of the Collector, a Hindu from the Deccan, and the District Superintendent of Police, an Englishman, for their work in preventing the spread of trouble, while in Shikarpur, where the case was more difficult because it is not the headquarters of the district, the credit is due, I think, in the main to a Sindhi-Hindu Collector and a Sindhi-Hindu officiating District Superintendent of Police.

One of the subjects mooted in the Kandiaro Congress was the threatened increase of assessment in the Barrage areas. The facts are that an enquiry with a view to revision of settlement was ordered by me, as the first temporary settlement of the Barrage areas runs out at the end of

the present revenue year. The reports of the officers entrusted with the task of examining the question are at present with my Revenue Minister, and I have not yet seen them; but I understand that they do advocate some increase in the rates of assessment. It should be remembered that in Sind the revenue assessment and the water-tax are combined, the reason being that the crops in these areas depend entirely on irrigation. I cannot say at present whether I shall secure the agreement of my Ministers to an increase in the rates, and indeed I cannot at present say whether I shall myself be in favour of an increase in the rates. Assuming however that I am myself in favour of some increase and that my Ministers are in agreement with me, the question of procedure will arise. Under the Bombay Land Revenue Code, which is in force in Sind, there is no obligation on the Executive Government to consult the legislature, and hitherto I do not think that cases have arisen in Bombay in which the legislature has been consulted. There is still vivid in the memory of all of us the Bardoli trouble, which arose in part at any rate from the inefficient manner in which the Revision Settlement enquiry was conducted by the revenue officer. We have been very careful here to entrust the enquiry to two experienced and reliable members of the Provincial Service; but it is certain that there is very strong feeling against any increase in the assessments and that this feeling is being fanned by the Congress agents throughout the Province. One of their demands is that in any case no increase should be made without consulting the Assembly. Although I do not think that the Assembly is a competent body for examining the extremely detailed proposals of the settlement officers, I none the less feel, and my Chief Minister is in entire agreement, that some sort of a debate must be permitted on these proposals before Government reaches a decision. My inclination is to put before the Assembly a resolution in the form "That the revision settlement reports be taken into consideration". The Member in charge of the motion in opening the debate will explain that Government have been anxious not to reach detailed conclusions without hearing Members of the Assembly and for that reason this form of resolution has been adopted. He would make it clear that it was the desire of Government to hear the views of all interests concerned before reaching conclusions and passing orders as they are empowered to do. As we are concerned here with revision in the Barrage areas, I think it is indisputable that the question is one which affects my special responsibilities within the meaning of sub-section (2) of Section 52 of the Government of India Act for securing the proper administration of the Lloyd Barrage and Canals Scheme. Obviously, this is going to be a difficult question and if I think an advance in the rates is desirable and I fail to get the agreement of my Ministers, a very difficult situation will arise. Again, if I get the agreement of my

Ministers and fail to get the general approval of a majority in my Assembly, I shall be in an extremely delicate position and so will my Ministers. I do not know if it is worth pursuing these speculations further at present; but it certainly seems to me that, if I force through by my personal order an increase in the rates against the wish of my Ministers, I may provoke a political crisis which will not be limited to Sind. Again, if I get the support of my Ministers but fail to get the support of a majority of the House, on a subject where party loyalty will be far less strong than personal interests, I may very well find that if I were to proceed to ignore the feelings of the Assembly, I should bring about the fall of my Ministry. I have mentioned this matter at this stage, because I realise that it belongs to those classes of matters of which you and the Secretary of State are entitled to have the earliest information possible.

L. GRAHAM

288

Brabourne to Linlithgow on Impossibility of Relying on Jinnah

Linlithgow Papers

GOVERNMENT HOUSE, GANESHKHAD

5 June 1937

MY DEAR LINLITHGOW,

1. Bombay Riots

There was another unfortunate outbreak of communal rioting in Bombay City at the beginning of this week. On this occasion the cause was so completely trivial that one must put it down chiefly to pre-monsoon bad temper among the hooligan elements of this City. There is the possibility, in fact, some people think the probability, that a certain Muhammadan individual called Ali Bahadur Khan may have something to do with stirring up these riots. He got himself elected as one of the Muhammadan M.L.As. for Bombay City in March last, which makes it more difficult to deal with him, especially as it is quite impossible to get any real evidence against him. During the communal riots last winter we issued orders forbidding him from making speeches and writing in the press, but, try as we might, we could never get anyone to produce evidence of his inciting other people to riot, though we were fairly certain that he was doing so. On this occasion the

Commissioner of Police came on him amongst the crowd on the first night and ordered him home. The next day he warned him that he would be arrested on the slightest provocation and advised him to leave Bombay for a week or two. This he has not done, but he has disappeared from sight and is apparently lying very low. Personally I have a strong feeling that this man has much to do with the riots, but he is too clever for us, for the moment.

We dealt with the situation with extreme firmness and within 24 hours of the start of the riots, we had imposed the necessary Curfew orders, orders forbidding the collection of crowds and the carrying of arms, and we also re-imposed the Whipping Act. These prompt measures have received the unanimous approval of all sections of the press. The Curfew order is being enforced very strictly, with the result that the number of arrests is already over 1,000. Most of these people will be released in the near future.

The position is, for the moment, completely in hand, but I do not think we will be able to relax our precautions very much until the monsoon breaks and cools tempers.

2. Congress Activities

Congress leaders in this Presidency continue their tours, which almost take the form of an election campaign. They still seem to think that a fresh election is likely to take place this summer and they are, therefore, working hard to prepare for it.

There is still no sign of a split in Congress ranks here over the office acceptance question. It is a fact that many of the leading Bombay Congressmen are getting more and more perturbed by the attitude taken up by their leaders, but the latter's influence still seems to be paramount. One well-informed individual told me, the other day, that many of the wealthy Congress businessmen in Bombay are frightened by Nehru's socialistic aims and that they realise the danger that following him implies, but that they are so imbued with the doctrine of "India for the Indians" that they prefer to back Congress and hope for the best.

Another curious repercussion of the present political situation on the Bombay Congress businessmen is that, whereas many of them were getting perturbed by the Congress refusal to take office, they have now swung round to the view that they hope that Congress will continue to refuse and that I will be forced to bring Section 93 into operation, as this will save them from the additional taxation which my present Ministry proposes and which Congress might impose if they accepted office.

3. The Future of My Present Ministry

My Finance Minister, Jamnadas Mehta, who is Chief Minister in all

but name, tells me that he has distinct hopes of being able to pass of his budget proposals when the time comes. He does not think that the present Ministry will be able to survive a motion of no-confidence, but, if it is possible to ignore an adverse vote on such a motion, he may be able to get sufficient support on the budget. His calculations are based on the fact that he expects to get the support of the bulk of the Muhammadans, the whole of Ambedkar's Scheduled Castes Party, and of half a dozen or so of those individuals who stood as Congressmen merely to get elected. I gather that he is in touch with Ambedkar, who is carrying on his negotiations for him, but, as you will see from the next succeeding paragraph, it rather looks to me as if Ambedkar is playing a thoroughly double game, in which case Jamnadas Mehta's hopes are likely to be rudely shattered.

4. Jinnah

I had a long conversation with Jinnah a few days ago, and he told me that his Muslim League Party would, in the event of the present Ministry being defeated, be prepared to form a Ministry provided that they could see the chance of a majority of even two or three in the Assembly. He went on to say that Ambedkar and his party were prepared to back him in this, and that he expected to get the support of ten or a dozen of the so-called Congress M.L. As. mentioned above. He made it quite clear to me that they would not support the present Ministry.

It is, of course, quite impossible to rely on anything that Jinnah tells me, and the only thing for me to do is to listen and keep silent. I obviously cannot tell Jamnadas Mehta what Jinnah told me, or *vice versa*, as both of them are hopelessly indiscreet. The only thing that is clear is that a vast amount of intrigue is going on behind the scenes, but, in the long run, I cannot see anything coming out of it all, as none of these people trust each other round the corner. Were I to hazard a guess, it would still be that the present Ministry will be defeated on the budget proposals and the alternative will then lie between Congress or Section 93.

Jinnah went on to tell me some of his plans for consolidating the Muslim League throughout India and how he is doing his utmost to awaken the Muhammadans to the necessity of standing on their own feet more than they do now. His policy is to preach Communalism morning, noon and night and to endeavour to get Muhammadans to found more schools; to open purely Muhammadan Hospitals, Children's Homes, etc., and to teach them generally "to stand on their own feet and make themselves independent of the Hindus".

He assures me that he is as keen as ever (!) to work Provincial Autonomy and more firmly than ever against Federation.

5. A conference is being held in Bombay on June the 7th and 8th, which will be attended by my Finance Minister, who convened it, and the Finance Ministers of four other Provinces. The object is, of course, to exchange ideas as to possible forms of new taxation, &c., and there will, I gather, also be discussions as how to handle the Assemblies when the time comes. I have arranged for my Chief Minister, Cooper, to attend and preside, as he will no doubt be able to act as a brake if the conference looks like getting out of hand.

Yours ever,
BRABOURNE

289

Socialist Party on Imperialist Design to Divide the Congress

The Congress Socialist, 5 June 1937

The annals of repression of the past few months in our country show that the Socialists have become, for the Government of India, the latest "Public Enemy No. 1". The increasing influence of the Socialists in the national movement, the militant peasant and labour movements they are organising and leading, the awakening and mobilisation of the masses that their work and ideas have brought about, have made the Government apprehensive. The Socialist technique of revolution offers possibly the most decisive challenge imperialism has had got to face so far. The old game of fostering communalism, developing provincialism is not likely to work any longer—these fissures are closing up with the growth of the socialist movement. The Government is therefore devising a new plan of divide and rule. Socialism is a revolutionary movement based on class-struggle. The Government seeks to combat its growing influence by rallying together those who abhor revolution and class-conflicts. This is the well tried method in Europe, the arch exponents of which have been maniacs like Hitler and Mussolini. As President Nehru has repeatedly asserted imperialism is the colonial expression of Fascism.

... But the new technique of the Government was fully developed by that doyen among imperialists, Lord Hailey. In a recent speech he said:

"You cannot so suddenly re-organise society as to remove the danger of the appeal which this movement (Socialism) can make. True, but you could make it politically innocuous if you could once bring into

parliamentary system the large number of those members of the Congress to whom those ideas must be as unwelcome as they are to us”.

The Government's first concern then, is to rally together the reactionaries. And then with the bogey of Socialism to split the nationalist forces. Use the nationalist forces to fight and destroy the nascent socialist movement. Acceptance of offices by the Congress is to be the first move in the direction. By chaining the Congress to constitutionalism, the revolutionaries are to be isolated, and then pulverized. Will the nationalist forces allow such a split to occur? Will they play this role?

The suppression of the developing socialist movement will cripple the nationalist movement. It will be robbed of its most dynamic content. Like the Chinese “nationalists” the Indian “nationalists” will get tied to the apron strings of imperialism. Such a split will strengthen imperialism, weaken nationalism. The Socialists do not desire any split in the nationalist forces—they seek to create the broadest based anti-imperialist front. They demand only condition—and that is allegiance to direct action and rejection of constitutionalism—the only course that is worthy of the revolutionary traditions of our National Congress. “Today they do not make Socialism the issue before the country—they merely seek to realise freedom of the country, the very *sine qua non* for the masses to come into their own. They bring to the nationalist movement fresh strength, fresh ardour—the support of the young and the awakened. They demand of the nationalist an unswerving allegiance to direct action—their path leads to victory. The Government seeks to draw the nationalist forces in its net of constitutionalism, and Gandhiji's latest statement shows that it may catch the fish, and that way lies frittering away of our achievements, dissipation of our destiny.

290

“Congress Socialist”, on Bengal-Nagpur Railway Strike (Extract)

The Congress Socialist, 5 June 1937

Issues of great importance to the future of the Trade Union Movement in this country are raised by Mr. Mudie's report on the B.N.R. strike.¹ It is important to realise that in spite of the unsatisfac-

¹ Bengal-Nagpur Railway Strike began on 13 December 1936 and ended on 10 February 1937.

tory personnel of the Inquiry Committee and the unwarranted interpretation put on the terms of reference the Railway Union decided to put its case unreservedly before the Committee. It is difficult to persuade oneself to believe that the Inquiry was impartial especially when one sees that out of the hundreds of cases submitted to it only a few were selected, which perhaps enabled it to draw its own conclusions. One of the main points of dispute was the non-recognition of the Union. On this very question Mr. Mudie is more or less intrasigent and has adopted an uncompromising attitude not only by declaring that the recognition should continue to be withheld but also by making irrelevant allegations against the Union. He says that the Union has acted throughout quite inconsistently with its claim for recognition and that it was controlled entirely by outsiders.

Now the B.N.R. Union is known to be one of the best Unions in the country with a proud record of work for labour to its credit. And this work has been achieved mainly by railwaymen themselves. Occasional help from outsiders cannot fairly be urged as a ground for withholding recognition. Even the Government sometimes employs foreign experts in certain matters of importance. We believe that this involves an important issue—*viz*, that the workers have an inalienable right to choose their own representatives so long as the provisions of the Trade Union Act are satisfied. "The question is fundamentally one of democracy under which an elector can choose his own representative. In a totalitarian state he has a right to vote for some one who has been selected for him by the autocrat"

291

Zetland to Linlithgow on Comments by 'The Statesman' (Extract)

Zetland Papers

6 June 1937

... 3. I have read with interest what you say in paragraph 8 of your letter¹ about the *Statesman*. Moore is probably back in India by now. At Catto's suggestion I sent for him shortly before his intended departure, but without letting him know that Catto had been in any way concerned with the invitation. I found a good reason for my summons in my natural desire to hear from an observer at close quarters how my old

¹ Not printed

friend Fazlul Huq was shaping as Prime Minister and it was on that topic that our conversation began. When we got to the general question of the situation in India I found it difficult to understand what Moore really had in mind. When I said that there was one factor which must be borne constantly in mind and that was the willingness of Parliament, at this stage at any rate, to consider any modification of the safeguards, he said—"Indeed, I should hope not". I then said that if this was his view I was a little puzzled to understand his attitude towards the Congress demand for assurances. He said that he did not see why Governors could not give an assurance that the Congress programme of social and economic reform did not impinge upon their special responsibilities. I pointed out that their programme would involve large expenditure and, if land tax was to be reduced, the sacrifice of revenue; supposing that giving effect to their programme they found money to finance it by cutting down the police budget or reducing salaries, would not that impinge upon the Governor's special responsibilities? He replied that if that had not been part of the original programme, the ministers could not say that he was breaking his assurance by stepping in, which suggests to my mind that Moore possesses singularly little understanding of the mentality of the average Congressman. My doubts as to his judgement was confirmed when he solemnly told me that he believed that with tactful handling Jawaharlal Nehru could be led into the co-operators fold! I happened to see Stanley Jackson a day or two later. He had also seen Moore and without my having to say a word he abused him up hill and down dale as the vainest and the most mischievous person in India.²

² Arthur Moore had been writing against the policy of the Government in the *Statesman*. See, for example, his article on "Lord Zetland's Misunderstanding" published on 10 April 1937 in the *Statesman*.

292

*Zetland to Linlithgow on Detenus in Bengal (Extract)**Zetland Papers*

6 June 1937

You will remember that in your letter to me of April the 9th you referred to a note by Tegart¹ on the problem of detenus in Bengal and you sent me a copy of a letter which you had received from Anderson on the subject.² I agree with Tegart in theory and Anderson himself admits that with a clean slate to write on he and his expert advisers would probably have organised the detention of the terrorists and suspects on rather different line, i.e. in smaller camps. But the practical difficulties in the way of a large reorganisation is now very greatly and I do not myself dissent from the views on the matter set forth in Anderson's letter. The problem in the past has had a psychological basis, and it was this aspect of the case that I tried to analyse in my "Heart of Aryavarta". But a psychological patient requires individual treatment and the number of detenus in Bengal is far too large for this to be practicable. Moreover, the character of the movement has changed with its swing over to communism and I doubt if the perverted religion and the equally perverted patriotism which played so large a part in the earlier stages of the movement constitute anything like as powerful an influence today as they did then. Curiously enough I had a letter from Barindra Kumar Ghosh only this week in which he told me of his missionary work which he was engaged upon among the detenus. But I think it is probably true that while I originally knew him as a fiery prophet of the nationalism which swept over Bengal at the beginning of the present century as a powerful advocate of violence, he is now looked upon as a Government man and has consequently little influence with those upon whose hearts he smote at one time as on a giants harp, awakening out of them as one Bengali put it—"a storm and a tumult such as Bengal had never known through the long centuries of her political serfdom." He like many another has probably realised that it is one thing to raise the whirlwind, but quite different thing to ride the storm.

¹ See Appendix IV

² See No. 181

293

*Zetland to Linlithgow on the Release of Detenus by the
Bengal Government (Extract)*

L/PO/6/100

6 June 1937

6. Writing on this subject [detenues in Bengal] reminds me that I saw a paragraph in a newspaper a day or two ago to the effect that the Prime Minister and Home Minister in Bengal were considering in consultation with their advisers the possibility of releasing the detenues in Bengal wholesale. This in my view would be attended with a real risk of the resuscitation of the secret societies, and I can hardly believe that Anderson would agree to it. But it is a more general point that I would like to put to you. I have noticed that in the North West Frontier Province, for example, action is being taken from time to time under the Public Tranquillity Act. Presumably this is being done by the Ministers and you might, perhaps, let the Governors know that it would be of special interest to me to know who are the Ministers in their provinces who are in charge of Law and Order; something of their history; their attitude towards the question of action under the special Acts dealing with public security; their relations with the Intelligence and Special branches of the police, etc. It would be a particularly suitable subject for treatment in their Fortnightly Reports to you and me. So far little has been said on the matter.

294

*Zetland to Linlithgow on Policy of Securing Acceptance of Office by the
Congress (Extract)*

Zetland Papers

6 June 1937

Many thanks for your letter of May the 30th.¹ I have read with great interest and with complete agreement the copy of your circular letter to the six Governors² with minority ministries. The pivotal point of our

¹ Not printed

² Not printed

policy, as you urge in paragraph 2 of your letter to me, must continue to be to endeavour to secure the acceptance of office by Congress within the framework of the Act. I dealt with this aspect of the case at the meeting of Conservative M.P.'s at the House of Commons on Monday last, May 31st, and used language which I hoped might serve further to encourage the right wing of the Congress and particularly Rajagopalachari. Whether or not it was reported in the Indian Press I do not know, for nothing has since appeared in messages from India to the press here making any reference to it. There was, of course, nothing new in what I said and what I was chiefly at pains to do was to stress the sincerity of our desire to secure in the service of India the co-operation of the many men of ability whose talents were at present lying idle owing to what, I felt sure, was a misunderstanding on their part as to the intentions of those who framed the new Constitution and of the actual relations between the Governors and their Ministers under its provisions. I hoped that something on these lines might hearten Rajagopalachari; but the curtain seems to have fallen prematurely upon what seemed to have had the makings of a promising prelude to further developments. From the point of view of parliamentary situation here, the meeting was, I think, a success. I expressed my gratitude of the Act of 1935 for the restraint which they had displayed since the Bill had reached the Statute Book and particularly for their obvious desire to do nothing to make more difficult for the Government the task, sufficiently onerous in any case, of bringing the new constitution into operation. Two days later, that odd creature, my Lord Mansfield, came up to me in the House of Lords and said that he had discussed the matters with Sir Nairne Sandeman and that they (which meant, I suppose, his group with a somewhat high sounding title which I have forgotten) had determined to give the Constitution every chance, so that I might like to know that I need fear no factious hostility from them. I expressed my indebtedness in what, I hope, was regarded as suitably appreciative language. At the same time, the observation which was greeted with the most demonstrative approval in the course of my approach on Monday was my comment on Snell's description of my earlier approach to the House of Lords on having been characterized by an unduly "still correctitude", if what Lord Snell desired from me, I said, was a formula which could be interpreted in one sense by one set of people in other sense by another set, then I was unable to oblige him, for there was in my opinion nothing either more dangerous or indeed, more dishonest than the coining of such formulae. It was only to be expected that this would meet with approval of such an audience; but it also gives points to the view expressed in the article from the *Easter Times* which you forwarded with your letter. Articles of this kind were, I suppose to be expected.

But the particular article is peculiarly perverse in saying that my reply to Snell in House of Lords meant that in our anxiety to placate the Congress "His Majesty's Government have thrown overboard the minorities rights." I mean that ours is a case in which it is not only impossible to please everybody, but impossible to please anybody. I will not add now what I said in my telegram in reply to yours as to the advantages of a statement by you when you considered that the psychological moment for a pronouncement has arrived for you have probably written on the matter in a letter which will probably reach me just as I am on the point of closing this....

295

Jayakar to Polak on Gandhi's Weakened Formula

Jayakar Papers

7 June 1937

MY DEAR POLAK,

I have just read your letter of the 21st ultimo.

I have decided finally not to waste time and money in a visit to England this year. I am postponing it till this time next year, when I shall have more leisure and also more money in my hand than at present. I stopped practice two months ago and will remain unemployed till the 1st of October. I am doing a considerable amount of reading at present in connection with Federation, and the monsoon in Bombay is a very pleasant time for quiet reading.

Gandhi has since come out with a weakened formula for accepting office. He has now abandoned all his former grounds and is catering for an invitation from the Viceroy, which I hope he will get soon. The popular belief is that the Bombay Ministry's dramatic publicity about their own programme, and its possible success has caused a weakening in the hearts of stout Congressmen, and they are all pressing Mr. Gandhi to avoid the provisional Ministries being made permanent, as is sure to be the case if the Congress continues to remain hard-headed. That has caused considerable weakening in the Congress position, and Gandhi's latest formula, of which I am sure you have heard in London, is a clear indication of the weakening in Congress circles.

I met the Governor of Bombay a week ago, and it appears that, in proportion as Congress weakens the present Ministries, with the

Governor behind them, will strengthen. How this struggle is going to end is not very doubtful. It will lead to another invitation to the Congress, unless the provisional Ministries are able to show some strength in the vote of the Legislature which will be taken somewhere in July or August after they meet. In some Provinces it is expected that the Congress will lose, in others it is believed the Congress will win in the vote of no confidence but lose on the throwing up of the budget. If it is only a case of the former, it is very doubtful whether the Governors will dissolve the present Ministries and call on the Congress to accept office. Sapru will show you a detailed letter written in my own hand from Lonavla, in which I have given an estimate in clear terms of the present situation. Read this as a continuation of the same, and if Sapru is in London at the time this reaches you please show this letter to him.

To-day's "Times of India" contains a statement by Rajagopalachari indicating considerable anxiety to bring about a situation leading to acceptance of office, and altogether, in spite of itself, the Congress is showing considerable anxiety gradually to veer round into accepting office. I hope it won't have the effect of stiffening the Government. The decline of the Congress has been rather sudden and abrupt. Strategy will require that they climb down by easy stages and not tumble over one another, as they are doing now to show their anxiety for accepting office. I am watching it purely as a detached stranger, and my comments in this letter are made from that point of view.

With best wishes,

Yours ever,
JAYAKAR

296

Patel to Rajendra Prasad on Gandhi's Clarification of Congress Demand

Rajendra Prasad Papers

MY DEAR RAJEN BABU,

TITHAL,
7 June 1937

I have received your letter of 31-5-37. I saw your letter to Bapu also. He has sent you his reply about the circular and I agree with him entirely. You must have seen Bapu's latest statement. It has upset the Socialist friends, but we cannot please all. If this condition which is the minimum and final, is accepted we must shoulder the responsibility even if we may have to fight our own friends. But if that minimum is even

not accepted then we have no alternative but to wait and remain out of office no matter what happens. That is our feeling.

Rajaji had come here for a couple of days.

I am leaving this place on the 10th and then after a couple of days' stay at Bardoli, I will go to Bombay. Nariman has again started fresh agitation over the old matter and also sent a representation to the President to reopen the matter. He is ruining his reputation in Congress Circles.¹

We may have to meet in the Working Committee at Wardha at the end of this month or the first week of next month. It depends upon the President's convenience now.

Hope you are doing well.

Yours faithfully,
VALLABHBHAI PATEL.

¹ This refers to the controversy which had arisen when B.G. Kher was elected the leader of the Congress Party in the Bombay Legislature instead of Nariman.

297

*Rafi Ahmed Kidwai to J.B. Kripalani on Rajaji's Views
Regarding Office Acceptance¹*

AICC Papers, F. No. PL3(1)/1937-38

7 June 1937

I want to draw your attention to the latest statement of Mr. Rajagopalachari published in yesterday's papers. He forgets that he is the Leader of the Congress Party in the Madras Legislature and holds an important position in the Councils of the Congress and constitutes himself an advisor of the alien government and suggests to them a course of action which, he believes, will ensure the cooperation of Congress ministers with the Governors for harmonious working of new constitution. This is clearly against the policy laid down at the Bombay Congress and reiterated at subsequent sessions, and it is equally contrary to the spirit of the Delhi resolution.

Mahatma Gandhi's views on Council-entry and office questions are well known. He has always held that if we enter the Councils, we should

¹ A copy was sent to Jawaharlal Nehru.

work them for the good of the country so that our movement for freedom and our organisation may gain strength. He wants us to accept office, but he wants the Congress ministries to function under conditions that would confer on them real power to discharge their responsibilities and to carry through their programme. In all the statements he has issued in elucidation of the Delhi resolution he has adhered to this attitude and however one may differ from him, there is nothing in these statements which is against the spirit of the Delhi resolution.

At Delhi some of us had expressed apprehensions that demand for an assurance would imply a counter assurance on our part to the Government of our good behaviour. Mr. Rajagopalachari's statement confirms our apprehensions.

In his speech to conservative committee on Monday last Lord Zetland was reported to have said that he could appreciate the difficulties of Congress members in coming to a decision, but the difficulties were not all on one side and he hoped that they (Congressmen) in their turn would appreciate his own difficulties in the face of the declared policy of the Congress at Faizpur, for example, "not to cooperate with the Act but to combat it both inside and outside the legislature so as to end it."

Further on, Lord Zetland said that he had been accused of lack of sympathy in his reply to the demands of the Congress for assurances in connection with the use by Governors of their reserve powers. He had abundant sympathy with those who are willing and perhaps even anxious to work the Act in a spirit of cooperation with the Governors for the good of India, but it was a little unreasonable surely to expect his sympathy for attempts to wreck the constitution which, by virtue of his office, it was his duty to maintain.

From this speech it is clear that Lord Zetland would be prepared to give the assurances demanded if Congress on their part undertake "to work the Act in a spirit of cooperation with the Governors for the good of India". Mr. Rajagopalachari now assures Lord Zetland that what is wanted "is not power to create deadlocks or conflicts but something more positive and important, namely, of peace and friendliness." All our decisions of combating the Act or of fighting for Independence have been brushed aside, a leader of Mr. Rajagopalachari's position and eminence has started talking of establishing "peace and friendliness" between the alien Government and India through working the constitution "in a spirit of cooperation with the Governors."

The Governors were asked in the last week of March by the Party Leaders in different Provinces to give the necessary assurances. More than ten weeks have passed and there is no sign of Governors'

complying with the demand. On the contrary we have abundant proof to show that the "interim" ministries and permanent officials are conspiring to launch an attack on Congress organisation.

Our refusal to form ministries had demonstrated that the best way to wreck the constitution is not to accept the office. I would therefore suggest that A.I.C.C. be summoned to reconsider its decision in the light of the situation created and to end the fluid state of our policies. We have waited enough for the Governors response to our demand and it is time we made up our mind one way or the other.

Yours sincerely,
RAFI

298

Linlithgow to Provincial Governors on Appreciation of Government's Line of Action After Deadlock with Congress

Linlithgow Papers

VICEREGAL LODGE, SIMLA
9 June 1937

[SECRET & PERSONAL]

MY DEAR—,

I have now received the replies from all the Governors with a Congress majority in their legislatures to my circular letter of 18th May.¹ I sent a copy of that letter for information to the Governors of all the other Provinces, and I have had the advantage of receiving a number of comments or suggestions from them on points arising out of it.

2. I think that you will be interested to know the general line of the comment I have received. Broadly speaking, there is complete agreement among all the Governors with the general line taken in my letter, and in particular with the statement in paragraph 21 of the letter of the general objective of our policy. I need not say how very gratifying it has been to me to find that Governors should independently have reached the same conclusions on a matter of so much importance as the present, and a matter too on which it is so essential that (allowing always for differences in provincial conditions) the general line to which we are working should be the same.

¹ See No. 259

3. On the matter of a public statement by the Viceroy, I find general agreement that there would be advantage in such a statement. I am glad to say that the Secretary of State shares this view, and he has informed me that he thinks that a statement on the general lines indicated in my telegram to him No. 456-S. of 21st May,² copies of which you will have received through your Secretary, would be entirely appropriate and of value. I propose in these circumstances to make such a statement, probably later in the present month. I have postponed framing it until I am aware of the outcome of the conversations between Mr. Rajagopalachari and yourself, which may have some importance in relation to the line which it would be appropriate to take on this issue of dismissal *versus* resignation. I will communicate further with you as to the precise arrangements in connection with my statement. I am at this stage inclined to think that the right course would be that I should use the wireless to make it, but that arrangements should have been made for advance copies to reach all Governors so that simultaneous publication can be made in the local press on the morning after the broadcast of the statement. An incidental advantage of adopting this procedure would be that it would be necessary for me to give, say, a week or ten days, notice of the fact that I intended to make a statement and the fact that this might well have some effect on, *e.g.*, the deliberations of the Working Committee when it meets later in the month.

4. In my letter of 18th May I indicated that, subject to the views of Governors, I provisionally contemplated that my statement should be made on a date not too remote from the date to be fixed for the summoning of the legislatures, and that it would probably be appropriate, again subject to the views of Governors, that the legislatures should be summoned by the end of the June or early in July. This is clearly a matter on which the utmost weight must attach to the views of Governors and the conditions of individual Provinces. Broadly speaking, the sense of the replies which I have received is averse from summoning the legislatures so early. In certain Provinces it would be impracticable to prepare the budget before the middle of July. Certain other Provinces have urged the very important consideration that the minority ministries should be given the chance of framing their own legislative and budget proposals, of laying them before the Provincial Assembly, and of facing the challenge of the Congress Party on the various items comprised in their programme; and that this would not be possible were the legislatures to be convened for a date early in July. In the light of the replies that I have received, I think that this is clearly a matter on which each individual Governor must exercise his own

² See No. 264

discretion in the light of his local circumstances. I would only mention a consideration which will already have been present to you that the reply of Congress, in Provinces which are the first to summon their legislatures, to a renewed invitation to accept office in the event of the defeat of the minority ministry, cannot but react on the position in the other "Congress Provinces". I fully accept that reaction may as easily be helpful as embarrassing.

5. I examined in paragraphs 9 to 17 of my letter the main alternative methods of dealing with the situation which would arise if Congress were to refuse to accept office on a further invitation being extended to them on the defeat of the minority ministries, and if Governors were to find themselves unable to secure supply or to carry on the government save by recourse to the provisions of Section 93. All Governors agree as to the objections to resignation of office by ministers prior to the meeting of their legislatures. All Governors equally agree as to the objections to dissolution. One Governor has indicated that he would see advantage in dissolving the Assembly after recourse to Section 93 and governing without it until such time as it was possible again to hold elections and convene the Assembly with a view to governing with the assistance of a majority. A consideration which weighed with him was the undesirability of allowing Congress M. L. As. to retain the prestige which membership of an Assembly, even of a suspended Assembly, inevitably gave them. While fully appreciating that there is some force in this argument, I remain myself strongly of opinion that it does not counterbalance the disadvantages of dissolution, and that from all points of view—whether the situation at home, or the facilitating of the convoking of the Assembly at short notice and without a general election, should a Governor who has been obliged to issue a proclamation under Section 93 feel himself in a position to revoke that proclamation, the better course would be to keep the Assembly in being. All Governors accept the desirability of taking steps through the appropriate channels to let Congress know unofficially that there will be no question of dissolution in the event of a breakdown this summer; and one Governor at least has already taken steps to arrange for this.

6. All Governors, save one, are now of opinion that the right course in the event of a breakdown would be to assume full power under Section 93. The one Governor who at this stage feels some doubt on this matter has indicated to me that while he does not as at present advised entirely agree with the view which has been expressed that the legislatures would be a danger, since if their functions were confined to beneficent legislation, and it was possible to allot no time for private legislation, it might put the opponents of Government in a difficult position, his views are entirely tentative at this stage, and I understand

that his inclination towards a partial assumption of power represents no more than a desire to consider the situation further and in the light of the views of other Governors. My own view for what it is worth is, in the light of the opinions I have received, that there is little question that, despite the disadvantages, the right course would in such circumstances be to assume full power.

7. I now turn to the important issue discussed in paragraph 18 of my letter, *viz.*, the extent to which it would be wise or appropriate to discuss our future plans with minority ministries or members of such ministries. The replies which Governors have been good enough to send me indicate save in one case their entire acceptance of the view which I ventured to put to you in the paragraph in question. One Governor, while I do not understand him to dissent from the general principle, emphasizes the importance of the personal factor and the extent to which a Governor's discretion in a matter such as this is likely to be affected by local considerations. That, of course, I fully accept. This is a matter of general policy and of substantial importance. As to the validity of the broad principles suggested in my letter, I feel no real doubt, and my attitude in relation to it has been confirmed by the replies I have received from the Governors. But nothing is further from my wish at any time in dealing with any aspect of the situation which confronts us than to interfere with, or in any way restrict, the discretion of Governors; and I fully appreciate the importance of the local and personal factor. It goes without saying that there may be circumstances in which a Governor would feel that he can appropriately go further in the direction of taking an individual minister or his Chief Minister into his confidence than might generally be the case; and where he is satisfied that without any risk to the public interest or of subsequent embarrassment to himself or his successor he can do so, he clearly is the only person in a position to take a decision.

8. I will not in this letter touch further on the question of Advisers, for that is covered by the circular letter which I sent to Governors on the 29th May.

9. In paragraph 19 of my letter I raised the matter of the maintenance of contact with Congress. I have informed the Secretary of State of the replies which I have received from all the Governors on this matter. Conditions have varied, as is only natural, in the different Provinces. Certain Governors are in a position to maintain contact through third parties with prominent Congress personalities. But the general sense of the replies received has been that no more can in present circumstances be done in this connection than has already been done; that, with the best of goodwill on our part, we are confronted, broadly speaking, with a reluctance on the part of Congress to allow contact to be maintained;

that there are no overt steps which can usefully be taken to establish contact; and that the real bar to the acceptance of office is not so much local feeling as the attitude of the central organization. The Secretary of State has informed me that, in the light of the views expressed by the Governors, he agrees that there is nothing to be gained now by further attempts at direct contact with Congress leaders in the Provinces. The overture which Mr. Rajagopalachari has made to you is of course a healthy and encouraging sign; and it is clear from the letters received from Governors that all Governors will gladly respond to any overture of this type. That is however a somewhat different issue, for it has always I think been common ground between us that a Governor, or for that matter the Governor-General, would be prepared to respond to a request put forward for an interview so long as that request was unaccompanied by any embarrassing or questionable conditions.

10. Paragraph 20 of my letter dealt with the issue of dismissal *versus* resignation, which has assumed increased importance in the last few days, and which has formed the subject of a pronouncement by Mr. Gandhi himself. I am carefully considering, in consultation with the Secretary of State, the line to be taken on this matter in my statement; and I will not examine it further in the present letter. It is, however, I think significant that Mr. Gandhi's statement, for what that is worth in the absence of any specific backing by the Congress President or by Congress as such, has emphasized that the question of dismissal need only arise in the event of "serious disagreement". "Serious disagreement" is a phrase which of course calls for definition, and there is the usual difficulty of the criterion to be applied. It is equally of the utmost importance, given the suspicions of the minority communities and more particularly the Moslems, as revealed by the replies to my letter of 18th May, that we should do nothing which would lead the minorities to think for a moment that we were in any way compromising with Congress on those safeguards which have been inserted in the Act for the protection of the minorities. Information which has come to me from other sources makes it clear that the Princes likewise continue to watch with the utmost attention our handling of a problem which raises directly the question of the extent to which the specific provisions of an Act of Parliament can, before that Act has well started to operate, be qualified or modified by the establishment of conventions or by the acceptance of particular interpretations.

11. Let me say how valuable both to me and to the Secretary of State this frank expression of your views has been on this most important subject. We continue to leave nothing in our power undone to persuade Congress to accept office on the terms and within the framework of the Act. If we fail it is satisfactory that there should be complete agreement

as to the line which we should pursue. I would only in conclusion like to take this opportunity to mention a point urged upon me by one Governor, *viz.*, that to deal with any subversive movement which may emerge in the event of Governors having no option but to take action under Section 93, it would be essential that our action should be at once disciplinary and constructive, and that while such repressive action as may be necessary to maintain the government of the Province should be taken, Government should also do all that lies in its power in those circumstances, on the constructive side, to meet legitimate grievances on the part of tenants, etc. That is a consideration which is already I know present to you and one which I need not develop.

Yours,
LINLITHGOW

299

*Cunningham to Laithwaite: Fortnightly Report on Ministerial Position in
N.W.F.P. (Extract)*

Linlithgow Papers

GOVT. HOUSE, NATHIA GALI

9 June 1937

[CONFIDENTIAL]

DEAR LAITHWAITE,

I send, herewith, for His Excellency's information, a report for the period ending 9th June 1937.

Three copies of the report are being sent to the Under Secretary of State for India.

Yours sincerely,
G. CUNNINGHAM

[ENCLOSURE TO THE ABOVE LETTER]

[CONFIDENTIAL]

The internal political situation remains practically the same as it was a fortnight ago. I have mentioned in a previous report the efforts which Congress were making to wean away some of the Ministers' following.

These efforts continue, but so far without any concrete result. The doubtful quantities in the Ministerial Party, on whom Congress are concentrating their efforts, are 4 Muslims from Hazara District, who style themselves the Democratic Party, and 8 Hindus of the Hindu-Sikh Nationalist Party. The reasons for the lukewarmness of the 4 Muslim Members are entirely petty and personal. They were disappointed at not receiving a Ministership, or a Parliamentary Secretaryship, and have shown their displeasure accordingly. Now that the Ministers are installed for the hot weather at Abbottabad, in Hazara District, they are in a better position to bring persuasion to bear on these wavering supporters; and it is significant that Dr. Khan Sahib, the Congress leader, has recently sent a special emissary to Hazara District to counter the Chief Minister's efforts.

2. The 3 Hindus are actuated by various motives. Here, again, a good deal of the trouble is purely personal, and arises from the jealousy of Rai Bahadur Ishar Das, who had hoped to be—and was generally looked upon as the most probable—leader of his party. The other 2 Hindus are following him mainly from motives of personal friendship. There is, however, another cause of friction in the Hindu ranks. When the Hindu Party originally joined the coalition led by Sir Abdul Qaiyum, they came to an agreement with him in which the two most contentious points were, firstly, the demand for cancellation of the circular issued by Sir Abdul Qaiyum, a year or two ago, as Education Minister, restricting the teaching of Hindi and Gurmukhi script, and, secondly, a clause by which the Muslims bound themselves not to bring in legislation affecting the religious or cultural interests of the Hindus, unless 75 per cent of the minority party agreed. The Hindu Minister, Rai Bahadur Mehr Chand Khanna, is now being pressed by his party, and by sections of the Hindu community, to insist on the immediate fulfilment of the agreement. As a Hindu he would no doubt like to do so, but, as a Minister, he does not wish to embarrass his Muslim colleagues. Congress are encouraging this dissension in the Hindu ranks with the double object of creating friction between the Chief Minister and his Hindu colleague, and of arousing Muhammadan resentment against the Chief Minister for having made an agreement with Hindus on such controversial points.

3. The outcome is that, unless the Ministerial Party can retrieve these 7 errant members of their party, they will probably be faced with defeat in divisions next Budget session. The tactics of the Congress Party will then, I understand, be to refuse office themselves, but to ask that office should be given to these 7 or 8 renegades on the understanding that Congress will support them in a division. An acute observer, however—a Member of the Assembly who has at one time or another had a foot in

either camp—told me recently that, in his opinion, several of the rank and file of the present Congress Party would not acquiesce in the distribution of office among outsiders, and would very probably leave the Congress ranks if this were done.

4. The Ministers are engaged in considering what their programme ought to be for the next Budget session. Their inclination at present is to avoid legislation of any kind as far as possible, as they wish first to estimate their real strength during the debates on supply. They have a defeatist feeling at the moment that any popular legislation which they might bring forward at this juncture will at once be attacked as an obvious effort to increase their own popularity. I have pointed out to them the contrary consideration that, if they do bring in beneficent legislation, they will, at any rate, put the onus of opposing it on Congress.

5. I mentioned in my report of 4th May that the question of the Public Tranquillity Act was likely to become acute. Abdur Rab Nishtar, a member of the Independent Party, who is more likely to vote with Congress than with the Government, has given notice of Bills aimed at a comprehensive repeal of what is ordinarily called repressive legislation. These include, besides the Public Tranquillity Act, the Criminal Law Amendment Acts of 1932 and 1935, the Press Act of 1931, Section 124-A, Indian Penal Code (Sedition), and the partial repeal of Section 144, Criminal Procedure Code. I am pretty certain that the Chief Minister—and I think his colleagues—are in their heart of hearts satisfied as to the need of continuing the life of the Public Tranquillity Act, and of retaining all the legislation I have mentioned. But very strong pressure will, of course, be put upon them to remove "repressive" laws, and Sir Abdul Qaiyum himself is believed to have given some sort of an election promise to remove them. It is also significant that Rai Bahadur Mehr Chand Khanna, Finance Minister, has advocated the removal of certain restrictions imposed under the Public Tranquillity Act on certain residents of the Peshawar and Mardan Districts. It seems that the main points of attack by Congress on the present Government will be this question of "repressive" legislation and the reduction of land revenue or water rates. The latter question is one in which, of course, all land owners (not excluding the Minister for Agriculture) take a sympathetic interest, and it is a way in which popularity can very easily be bought. The Finance Minister is, however, I think pretty staunch against any reduction, apart from the remissions which are normally given from time to time.

6. A matter which may lead to trouble is the dispute between Hindus and Sikhs in Peshawar over a Hindu temple, for the demolition of which the Sikhs have obtained a decree from a Civil Court. The leaders of the

JUNE 1937

645

parties are endeavouring to arrange a compromise and, in the meantime, demolition has been postponed. People of real influence, such as His Highness the Maharaja of Patiala, are advocating a compromise, and both parties realise how much a clash would weaken the position of the minority party. I hope, therefore, that the affair may be amicably settled.

300

Rajendra Prasad to J. B. Kripalani on Proposed Agreement with Jinnah

AICC Papers, F. G.-65/1937

P. O. ZIRADAI

Distt. SARAN

10 June 1937

MY DEAR KRIPALANIL,

I have received your letter dated 4/6/37 at my village home where I have been staying since the 31 May. My plan has been to stay here for the month. But under great pressure from Acharya Narendra Deva, I have accepted an engagement to preside over the Faizabad Conference on 24th and 25th instant. We have the Bihar Provincial Conference on 3rd and 4th July. You may have any dates fixed by the President that suit him and I will try to attend provided you save the above mentioned days and give me enough time to reach these places in time from where the Committee may be held.

As regards Mr. Jinnah's statement I am surprised to read it. The terms that were ultimately evolved were entirely accepted by me and I offered to sign any document embodying them and I assured him that he might take my signature as on behalf of the Congress. I told him further that I would get those ratified by the Congress. But he insisted on Pandit Malaviya and Hindu Sabha and Sikh leaders accepting those terms and would not be satisfied with Congress accepting them. So the matter had to be dropped. I do not know if it is worthwhile pursuing this controversy any more. Sardar Vallabhbhai wrote to me that he did not quite like your being drawn into it either. But if you think I should issue a statement, you may issue the portion marked as my statement after finding his statement from the cutting.

Yours sincerely,

RAJENDRA PRASAD

301

*Erskine to Linlithgow on Possibility of Governors and Ministers Working in
Harmony under the Constitution*

Erskine Papers

10 June 1937

As to the present unfortunate state of affairs in the Madras Presidency and in those other Provinces where the Congress Party are in a majority in the legislatures, it may well have been that it was originally due to a complete misunderstanding of the true constitutional position under the Government of India Act.

But the speeches made lately by the Secretary of State and by various Governors of Provinces in India have certainly clarified the situation; for it has now been demonstrated quite plainly that under the normal working of the Constitution not only does the initiative for policy rightly belong to Ministers, but also that the reserved powers of the Governor will be most unlikely to come into operation at all so long as the Ministry are solely concerned with the Good Government of the Province and the true happiness of all its peoples.

The idea that the Governor will spend his time in thwarting the legitimate actions and policies of Ministers is really fantastic and, for my own part, it would be a profound grief to me if my ministers and I could not work together in perfect harmony. In this connection I would like to state that I do not recollect one single occasion, during the time I have held my present office, when I have found myself obliged to differ, to the point of taking individual action, from my Ministers on any question of policy; either under the old constitution when Ministers were in charge of what were then known as the transferred Departments, or under the present Act under which all departments are transferred. Differences there may have been, but no difficulty has ever been found in composing them in a mutually satisfactory manner.

Whatever Party may be in office in the future, it is certain by my desire to give them all the help and assistance in my power and, if the responsibilities that have been placed on my shoulders by Parliament should force me at any time to take a different view from that of my constitutional advisers, I am sincerely of the opinion that by discussion and argument, so long as good will exists on both sides, any open breach could and would be avoided.

It was never the intention of the framers of the Government of India Act or of the Parliament that passed it that the "Special responsibilities"

should be so stretched as to enable a Governor to interfere in every phase of his minister's activities. Indeed, his powers in this respect are strictly limited by the wording of his Instrument of Instructions, and the whole object of the new constitution is that in the Provinces Ministers shall be really responsible to the Legislature both for policy and administration, except in that very narrow field where special obligations have been committed to the Governor's charge.

As the Constitutional position has now been made clear beyond any possibility of doubt, I venture to express the hope that the party which is now in possession of a majority in the Madras Presidency will shortly decide to accept the responsibility for the conduct of the Government.

But I would add that it is neither legal nor practical for me to give specific pledges as to what my own action might be in the hypothetical and unlikely event of some future difference arising between myself and ministers in regard to those matters in which I am enjoined by the Act and by my Instrument of Instructions to exercise my discretion or individual judgement.

I would remind those who still hanker after such pledges to recollect that the successful development of the British Constitution has been mainly due to the fact that the political position in Great Britain has always been fluid and that no hard and fast definitions of the powers of the various authorities at different historical periods have ever been immutably laid down.

Indeed, in politics rigid formulae are only too apt to produce results totally different from those that their authors either expected or intended and the history of the United States Constitution is a case in point.

Students of British democratic institutions will be aware that the powers of the Crown and Parliament have varied with changing times by the establishment of convention and precedents. So may it be in India. And I am of the firm opinion that any attempt, at this stage of Indian Constitutional development, to fix exact courses of future action in regard to such matters as the resignation or dismissal of Ministers or the practical working of the powers of the Governor could not possibly be conducive to the smooth evolution of our institutions.

302

*Khare Requests Governor to Call Assembly Session**Linlithgow Papers*

DHANTOLI, NAGPUR

11 June 1937

Dear Sir,

I enclose herewith for His Excellency's perusal a resolution of no confidence in the interim Ministry signed by 72 members of the Provincial Assembly. I hope this will dispel any delusions about the support behind this Ministry and expect that in all fairness session of the Assembly will be called soon to enable the members to give expression to their vote formally.

Yours faithfully,
N.B. KHARE

303

*Governor of Madras to Viceroy: Report of Interview with Rajagopalachari**Linlithgow Papers*

11 June 1937

Clear the Line. No. 51-C. I saw Rajagopalachari early this morning and put to him the argument you sent down as to dismissal question.

He volunteered that word "serious" in Gandhi's last statement really meant vital crisis and was not intended to apply to all cases in which Governor might differ from his Ministers. He also said that if he as Minister were to think a matter serious and I as Governor did not take that view, he would not expect me to dismiss him, but that he would resign. That it was only in cases where there could be no possible doubt among reasonable people that matter in dispute was serious that he would expect me to dismiss him or ask for his resignation.

I asked him why Congress could not take office without asking for conditions just as Ministers had in Provinces like Punjab, saying if they like that if Governor interfered with them they would resign. He replied following was real reason, though he could not state it in public. If Congress took office without an understanding, they would not be able to control their extreme wing, but if there was some understanding with Governor, then they would find it easier to do so, as they could appeal to honour of their followers to carry out understanding.

In this connection he added that British Government did not seem to realise that Gandhi was really holding out an olive branch and if we met him on this matter, it also meant that he on his part agreed to work constitution normally and that he would not countenance any petty tactics. That this was a real chance to get rid of civil disobedience mentality for good and that it would be thousand pities if chance was missed. He added that Government seemed distrustful of Gandhi's good faith and to be of opinion that he was trying to trick them, but he could assure me quite definitely that this was not the case at all. He expressed himself as profoundly disappointed at Zetland's statement in Lords and sincerely hoped it was not our last word, though he feared it was. He stated there would be meeting of Working Committee towards the end of this month.

Rajagopalachari is obviously very keen to take office, and for this reason he may interpret word "serious" in a different way to other Congress leaders, but he was emphatic that his interpretation was what Gandhi really meant.

He gave me the impression that Congress would not take office unless some agreement was come to with Gandhi who he said was only man who really counted and who alone could control whole Congress.

I did not commit myself in any way, but merely listened to his animated conversation which seemed to me to be a genuine reflection of his real feelings. Finally in regard to assurance originally demanded by Congress he told me that if when I sent for him officially I indicated that I agreed with Secretary of State's picture of working of constitution, he would be satisfied in that respect.

We parted very good friends.

304

Gandhi to Rajagopalachari on Birla's Letter

Gandhi Papers

WARDHA,
11 June 1937

MY DEAR C.R.,

If the talk between us about Zetland and company had to be brought out there is nothing to be said against the presentation of the manner of it. Of course, you should not mind what Rafi says. I do, however, feel that your position is different from mine. I can speak and write as an intermediary from a detached point of view; you could not do so. I can be repudiated with safety; you cannot be.

I had your letter drawing my attention to a portion of Ghanshyamdas's letter¹. I had observed it before but it did not make any appeal to me. Of course, there is force in his argument. But from my standpoint it is irrelevant. I want a sign from them before I take office, and I regard that sign as indispensable. Therefore, for me acceptance continues to be a fatal blunder till our condition, whatever it may be, is satisfied. The fact, therefore, that my condition may be demonstrably childish or meaningless does not affect my position.

What was this incident about asking for your ticket?

What do you say to the latest from Zetland?

I hope Laxmi is doing well.

Love.

BAPU

¹ On 26 May G.D. Birla wrote to Mahadev Desai, "While I admit that we can get a lot more in dismissal than in resignation, I feel that even dismissal is not an interference-proof thing Everyone says it will be a great mistake not to accept Ministry after Zetland's speech I therefore still hold the same opinion that it will be a great mistake to break after Lord Zetland's speech which in my opinion meets the point I think it my duty to say this because perhaps Bapu may reconsider the situation."

305

*Zetland to Linlithgow on Reaction to His Speech in India**Linlithgow Papers*

13 June 1937

[PRIVATE]

Your telegram giving me Erskine's account of his interview with Rajagopalachari reached me yesterday.¹ I need hardly say that I have read it with the greatest interest, and since Rajagopalachari expressed himself as being profoundly disappointed at my statement in the House of Lords (on the 6th) I will clear the ground by giving you a short account of the sequence of events at this end of the telegraph line. The occasion of my speech on the 6th was a question by George Lloyd as to the attitude of His Majesty's Government towards questions asked in Parliament here with a view to eliciting information with regard to events in the Provinces of British India. The answer was of course quite easy, and really had nothing to do with the question of dismissal *versus* resignation, though I hoped that my emphatic denial of the right of Parliament in the United Kingdom to hold inquests by means of question and answer upon government in the Provinces in so far as it had transferred responsibility from itself to popularly elected bodies in India, would underline what I had said on other occasions as to the reality of the responsibility which was transferred to the Indian Ministries. But shortly before the debate Lothian intimated to me his intention of speaking and raising the question posed by Gandhi in his most recent statement. In any other deliberative Assembly in the world his action would I should imagine have been out of order. I saw him for a moment before Llyod spoke and told him that I could not go the whole way with him in his interpretation of the theory and practice of the Constitution, and I suggested that in these circumstances it would, perhaps be wiser not to attempt to extend the range of the debate by so marked a deviation from the actual subject under discussion. However he was determined to loose-of his speech and there was nothing for it but to say something in reply. There was, of course, no time to consult you; but I received the next day your telegram giving me the line of argument on the question of dismissal *versus* resignation which you had instructed Hallett to adopt in his forthcoming speech, and I was delighted to find—not for the first time—that on these difficult constitutional problems you and I were

¹ See No. 303

thinking in identical terms. Indeed my reply to Lothian might well have been a mere paraphrase of paragraph (c) of your telegram No. 518-S. in which was set forth the arguments which you communicated to Hallett. My speech was *ex tempore* and I do not know how much was telegraphed out to India; but it is evident that the gist of it was, for Friday's *Times* contained an article, to which great prominence was given, from their Simla correspondent, giving an account of the reactions in India to what I had said. Two points in particular emerged, (1) that in extremist circles my speech was interpreted as the rejection of a peace offering by Gandhi, and (2) that what Congress spokesmen were demanding was a proof of friendliness on the part of the British authorities towards their party. I confess that I am getting a little fed up with these constant and, as it seems to me, illogical requests for sympathy by a party whose recorded policy it is to send representatives to the new legislatures "not to co-operate in any way with the Act but to combat it and seek an end of it", see Congress Resolution at the December meeting at Faizpur. It so happened that I was under a promise to speak at Oxford that evening and I took the opportunity of dealing with these two points in the course of my speech. Here again there was no time to consult you, but I feel that you will be in full accord with what I said.

I hope that I shall now be allowed to let the matter rest. Strickland has put a motion in general and woolly terms on the Order Paper of the House of Lords, to wit—"To call attention to constitutional theory and practice with reference to the termination of office by a Head of a Ministry and Ministers in the Overseas Empire; and to move for papers". As you know, all Strickland's ideas on this subject are coloured by grievances which he cherishes in connection with the treatment by Government of his activities in Australia and Malta. He has drawn up a Note embodying his views on the subject, but—to me at any rate—it is mostly unintelligible, and I am trying to ride him off moving his motion on the ground that I have nothing to add to what I have already said on the subject and that to go on flogging it would be likely to have an unfortunate effect in India where there is the possibility of delicate negotiations being embarked upon in the near future. I hope that I shall be successful!

This brings me back to Rajagopalachari's interview with Erskine. I shall no doubt receive your comments on it ere long. The impression that I derive from reading the telegraphic account of it is that in his own obvious desire to take office Rajagopalachari is looking at the immediate future through heavily tinted rose-coloured glasses. His suggestion that if we meet Gandhi on the dismissal question, we shall get rid of "the civil disobedience mentality for good" seems to me to be a case of optimism run mad. Neither am I inclined to accept Rajagopalachari's estimate of

Gandhi's disinterestedness. I should like to know what is Gandhi's real reason for attaching so much importance to an undertaking by the Governors which seems—unless there is some ulterior motive underlying it—merely to tie quite unnecessarily the hands both of the Governors and the Ministers in circumstances the precise nature of which cannot be foreseen. I am also quite unmoved by the old gentleman's distress at the thought that we are distrustful of Gandhi's good faith. Indeed I find it difficult to escape from the conclusion that Gandhi if he is not trying to trick the Government, is trying to trick the Congress to what end? Apparently to prevent a split in a body which if the two views held by the two wings of it are honestly held and are sincerely pursued cannot do anything else than split. And to what end is this saintly old sinner and humbug bent on preventing a split? I can see no other end than to have his forces united when he considers that the moment has arrived for dropping the mask and launching a grand offensive against the British connection. Perhaps you will think all this the jaundiced view of one who has never been able to reconcile the claim of the little man to be the fountain head of righteousness with the tortuous cunning of his ways. It is as well that these reflections are private as between you and me; a more extended circulation of them might cause trouble between the two countries!

306

Linlithgow to Anderson on Release of Political Prisoners

Linlithgow Papers

VICEREGAL LODGE SIMLA,

(Personal & Confidential)

13 June, 1937

MY DEAR ANDERSON,

Many thanks for your letter of 5th June, and for the reports enclosed in it. I am very glad to hear what you tell me of the attitude of Ministers on this matter of the special responsibilities, and I would like to hope that with a little more experience of the technique of government we can look forward to the adoption of an equally realist attitude elsewhere.

2. On this matter of the release of political prisoners you may care to know that Cochrape has written to me privately as follows:—

“I notice that in some of the Indian newspapers the Government of Burma is being lauded for having released all political prisoners. That is not, however, a true picture of what has happened.”

Before the release took place there were about 400 prisoners who had been convicted in connection with the Shwebo and Tharrwaddy (sic) rebellions. Commissioners of Divisions were invited to scrutinise the list of prisoners and to advise as to the number that could be released with safety. The Council of Ministers accepted the advice of Commissioners with the result that there are still 110 rebellion prisoners in jail while the balance have been released. The question of releasing 'detenus' was also considered by the Council who decided that no action should be taken.

I have mentioned these facts in order to give you an assurance that we are not so lawless as has been represented by reports in the newspapers."

3. You will have had a telegram from me giving the gist of the discussions between Rajagopalachari and Erskine. So far as they go they are quite satisfactory, though I think that we have had little doubt for some time past that Rajagopalachari was himself extremely anxious to take office, and Erskine in reporting the conversations added that this very anxiety might well lead him unconsciously to take a somewhat more hopeful view of the probable attitude of Gandhi and Congress than facts might justify. Be that as it may, we are now rapidly approaching the stage at which a decision in one sense or the other must be taken by Congress. I am sending you separately the message which I propose to issue next Tuesday. I hope very much that it may have some effect, though I think the plethora of explanations and statements, and questions in Parliament, which has developed in the last few days may have had the unfortunate effect of giving the more left wing elements in Congress the idea that we are so anxious to get them in that we are prepared to hold out some positive inducements to them to alter their attitude. That, as I see it, we cannot do. All we can do is to give guarantees designed to dispose of misunderstandings and to reaffirm our intentions and our readiness to work the Act in the most sympathetic and cordial spirit possible. My information from various sources continues to be that pressure on the central organisation in favour of office acceptance is very strong, and if that is correct, my messages may, if Congress wish to take advantage of it, give them an opportunity to resile from their present attitude without losing face.

Yours sincerely,
LINLITHGOW

307

*Lord Stanley's Speech on Governors Attitude Towards Ministers**Parliamentary Debates (House of Commons)**Vol. 325*

14 June 1937

I would like to thank the Right Hon. Gentleman not only for his very kindly personal references but also for giving me a more convenient opportunity of answering his question than would have been afforded earlier in the afternoon. I am afraid, I shall have to answer him very briefly, even now, but I am sure he will understand that the reason is the short time at my disposal. The Right Hon. Gentleman is pessimistic, I think prematurely, as to the working of the Constitution. I would rather dwell at this stage on the points of agreement between us than on the points of difference. I think the points of agreement are many. We are both anxious that, where Congress has the majority in a province, its representatives should take office, and that in that event the legislature should be summoned as early as possible. I think the Right Hon. Gentleman will agree also that to bring this about we shall have to have recourse, and we have already had recourse, to very delicate and careful discussions, and while it is right that we should give these discussions all the help and encouragement we can, I believe that if we were to press them too hard and insist upon premature action we should be likely to do more harm than good. It is obvious that, when once these legislatures meet, the whole matter will be brought to a head, and if they meet before the time is ripe, before the Governors have a chance of considering some form of agreement with the majority party, I think the whole political future of the Province will be very greatly prejudiced. Much the better is that the Governors should make every effort to make arrangements with the leaders of Congress before the Legislature is assembled, even if it does take time. As I said in answer to the Right Hon. Gentleman's question this afternoon, the decision must be with the Governor of each individual Province. Our general plan of campaign and our general intention throughout the whole of British India is the same, and yet in each Province local circumstances must vary so greatly that local conditions must overweigh every other consideration, and therefore the decision must remain with the Governor of the Province. In the two minutes that remain, I should like to say a few words about the Right Hon. Gentleman's appeal that we should try to meet the

Congress party half-way, which I am only too glad to say, we are more than ready to do. Perhaps we may differ from the Right Hon. Gentleman as to the best means of approach. Although he did not say so in his speech to-night, I rather think his belief is that the best means of approach is to go straight to the head representatives of Congress. My Noble Friend, on the contrary, remains absolutely convinced that the natural and constitutional place for the discussion as to taking office must be between the individual Congress leaders in the provinces and the Governors. I do not think any assurances are necessary from this Box as to the desire of each and every Governor to meet Congress leaders half-way, and to do everything they can to assist them to solve their problems, and they are only too ready to meet them at any time if the members of the majority party are ready and desire to do so. I am glad the Right Hon. Gentleman made a reference to a speech made in India only a few days ago. I might also refer to the recent speeches of my noble friend, who has made it clear that it is the earnest desire of every one of these Governors not to act as a watch dog over the Constitution, not to try to find fault with their new Ministers, but rather, whatever their party may be, to act towards them as friends and collaborators. If we all try to work the Constitution in that spirit, I believe it is likely to succeed, and the result will give satisfaction to all sides.

308

Erskine to Linlithgow on Edward Stanley's Speech

Erskine Papers

16 June 1937

Telegram 53C.

Private and Personal. I am considerably perturbed by Stanley's speech in the Commons¹ if he has been correctly reported.

He seems to have used argument that it would be better to postpone meeting of Legislatures for some time in order that Governors can come to agreements with their Congress leaders before the sessions are called.

Is not this in effect asking Governors to intrigue against their existing Ministers. Surely it would not be constitutional to fix up an agreement for the purpose of office acceptance with the leader of another party

¹ See. No. 307

behind the backs of Ministers, who presumably have the Governor's confidence.

My meeting with Rajagopalachari had quite another purpose namely to find out for your information what Gandhi's latest formula really meant and even then it was held with the knowledge and consent of my Chief Minister.

Even if, in the peculiar circumstances of Madras, it may be possible for me to fix things up with Rajagopalachari before the Houses meet, I can well imagine that in Bombay and other Provinces existing Ministers might well take great umbrage at their Governor negotiating with Congress.

Again Stanley is reported to have said that Governors were more than ready to meet Congress half way. Half way to what? I have always understood our policy to be to give every explanation of the Act we can in order to remove Congress suspicions but to stand put on the terms of the Act and to give nothing away in regard to the special powers.

The phrase about meeting Congress half way seems therefore to be more than unfortunate as it will merely encourage Congress to stick out for impossible demands besides making the ordinary person think that Government have climbed down.

In the light of Stanley's speech I would be glad to know your views and the procedure you wish me to follow. I have no objection to the text of this telegram being communicated to the Secretary of State if you wish to do so.

309

Viceroy to Secretary of State: Wishes His Draft Statement to Stand Unmodified

L/PO/6/96(1)

16 June 1937

TELEGRAM—563-S

Private and personal. Your private and personal telegram of 15th June. I am very grateful to you for dissuading Strickland and for your help about my statement.

2. As regards Gandhi's point, Birla had already approached me on the same line (see his letter of 18th May sent to Croft by air mail 9th June) and I had fully considered this aspect of the matter in framing my statement. But my considered opinion, with which my advisers agreed,

was that it would be definitely undesirable to meekly commit ourselves in any detail on these lines and while I entirely accept the complete soundness of formula you suggest, it would I think be definitely undesirable to use it or to go beyond statement already included in my message, that Governor, when he takes a decision against the advice of his ministers in discharge of his special responsibilities, etc., is responsible to Parliament. My main reasons are as follows:

- (a) I am concerned (as my message shows), without in any way curtailing your and my control of Governors, to keep this discussion so far as possible one between Congress leaders in Provinces and I am most anxious to do nothing which will strengthen hands of Congress in endeavouring to substitute all-India discussions between Governor-General and All-India Congress Committee.
 - (b) I am equally anxious not to emphasize unduly in public the subordination of Governors. The formula might on this point produce an unfortunate impression and play into hands of those who contend that Provincial Autonomy is really a sham.
 - (c) I am apprehensive that use of a formula such as you suggest would in effect give Gandhi what he wants, that is to say, so strict a convention as regards position of Governors in discharge of their special responsibilities that they will never have courage to use them unless some really critical issue is involved. That is not of course our position at all, for special responsibilities have to be implemented wherever circumstances make this necessary, though with tact and care, and it is most important from point of view of minorities that we should do nothing which would lead them to believe, however erroneously, that hands of Governors will in practice be tied save where there is a major crisis.
3. I feel sure that in the light of what I say you will agree that it is better to let my statement stand as it is.

310

*Viceroy to All Governors (Except Madras) on Understanding Rajagopalachari's Attitude**Linlithgow Papers*

16 June 1937

Telegram XX,

Private & Personal. No. 558-S. Rajagopalachari's interview with Erskine was very friendly.¹ He made it clear that in the event of his being invited to accept office a statement by Governor that he agreed with Secretary of State's picture of working of the Constitution would satisfy him as disposing of original Congress demand for assurances. He was emphatic that Gandhi was anxious to work Constitution normally and would not countenance petty tactics, if we could reach the understanding Gandhi suggested, and that word "serious" in his Tithal statement really meant vital crisis, and was not intended to apply to all cases in which Governor might differ from his Ministers, but begged that we should help Gandhi so far as possible. On the Dismissal-Resignation issue he took the line that it was only in cases where there could be no possible doubt among reasonable people that matter in dispute was serious that he would expect to be dismissed or asked to resign; and that if he as Minister were to think a matter serious and Erskine as Governor did not take that view, he would resign and not expect to be dismissed by him. But he urged that it would strengthen the hands of Gandhi in dealing with the left wing of the Party if some understanding could be reached with Government on this point, since Gandhi could then appeal to honour of his followers to implement such understanding, if difficulties arose.

2. Evidence from many sources tends to show that pressure to accept office on Central Committee is becoming increasingly strong, and that effect of explanations given by Governors and in Parliament has been substantial. I now propose myself to issue a statement next week, details regarding which are being communicated in a separate telegram. I have worded my statement in the most conciliatory manner possible, but it involves no modification of position on which we have throughout stood, and it aims at reassuring minorities who in certain Provinces have shown signs of acute sensitiveness to anything which could be regarded

¹ See. No. 303

as whittling down the provisions of the Act. I hope myself that Congress, if they really want to take office, may be prepared to take my statement as an excuse for some form of modification of their attitude and to intimate their readiness to accept office. But it would clearly be unwise to feel any undue optimism as to the prospect of this. You will however I think agree that it is most important that we should continue, if anything, to err on the side of over-emphasizing our anxiety for the co-operation of Congress. We are clear as to the line to be taken in the event of a complete breakdown, which I am most anxious to avoid; and we can consider if necessary any modification of our general policy further in the light of response to my statement.

311

C.P. Governor to Khare on Resolution of No-Confidence

Linlithgow Papers

DEAR DR. KHARE,

His Excellency asks me to say that he has received your letter of the 11th instant, enclosing a resolution of no confidence in the present Ministry which bears the signatures of certain members of the Legislative Assembly.¹ As you know, His Excellency only formed this Ministry because he was constrained to do so by the refusal of the majority party to perform its constitutional duty of taking office. The fact that the Ministry's supporters formed a minority of the Assembly was known to everyone from the start; and the sending of this resolution so long after the formation of the Ministry appears to His Excellency to suggest that, as a result of its reflections, the majority party now desires the Ministry to demit office in its favour.

2. His Excellency accordingly asks me to enquire whether this assumption is correct, and to say that if it is, he will be ready at any time to give you a personal interview on the subject of your acceptance of office.

Yours sincerely,
R. N. BANERJEE,
Governor's Secretary

¹ See no 302

312

*Lothian to Edward on Evolving a More Acceptable Draft Formula**Lothian Papers*

17 June 1937

Personal

MY DEAR EDWARD,

Bhulabhai Desai came to see me today. He was very friendly and is clearly very anxious that Congress should take office because he realises the difficulties which will rise if there is another breach. He says that Gandhi's formula is seriously meant and that Zetland's last statement has not removed the difficulty because what Congress fears is that without an understanding that the Governor will only interfere when he is prepared to dismiss or demand the resignation of his Ministry, the Governor, backed by the Civil Service, will in practice constantly interfere in matters about which the Ministry will not feel it worth while to resign and so gradually undermine their position. They, therefore, want it to be clearly understood that the Governor will only intervene when he thinks the situation is sufficiently important that in the last resort he is prepared to dismiss his Ministry.

I put in front of him my view that Zetland's statement and the normal practice of responsible government really meets the Congress case for the reason that it will be within the power of the Ministry to produce this situation at any time by refusing to continue to be responsible for the government of the provinces unless the Governor accepts their advice. Bhulabhai Desai himself, I think, understands the position pretty well because he is a lawyer, but he says that the mass of Congress does not understand it, is deeply suspicious of the Governor's powers of interference and that it would be impossible to get them to take office unless an assurance of this nature is given which will remove those fears.

As you know, I think that a formula could be drafted merely explanatory of Zetland's original statement which would bridge that gulf if both sides really want to cross it without giving anything away at all. The serious thing is that, as always in this kind of political crisis, while the difference which separates the two parties is in substance negligible psychologically it is of the kind which if it cannot be bridged may lead back to "war". I think it would be a good thing for you to see Bhulabhai. I think he is still the leader of the Congress Party in the Assembly and he is a member of the Central Working Committee. Though

he is in no way empowered to negotiate, he would, I understand, very much like to have a talk to you, and I think that might lead to a talk to Zetland if you think it desirable. If you are in London, it might be as well for you to see him soon. I have no idea what Hopie proposes to say on Tuesday, but if Bhulabhai is right, if he bangs the door to Gandhi's last offer, Congress will neither take office nor split. If you have a satisfactory talk with him, it might be possible to suggest some verbal amendment to Hopie's speech which might meet the point. You can reach him through Miss Agatha Harrison, 2 Cranbourne Court, Albert Bridge Road, S.W.11, Tel: Bat.2400.

Yours sincerely,
L.

P.S. Bhulabhai pressed me as to what the difficulty of the Government was in accepting Gandhi's proposal if in practice, at any rate under my interpretation of responsible government, it was not one of profound significance. The only reply I could think of was that it would be taken as the abandonment of the basic agreement about responsible government which had been accepted both by the Minorities and by the British public as the basis of the new Indian Constitution.

313

Khare to Banerjee Seeking Governor's Assurance

Linlithgow Papers

DHANTOLI, NAGPUR

18 June 1937

DEAR MR. BANERJEE,

Your demi-official No. C-90-34-G.S., dated Pachmarhi, the 17th June 1937.

His Excellency has made certain assumptions in the letter under reference, and I am constrained to say that these assumptions are more of his imaginations than based on facts.

The majority party is fully aware of its duties and responsibilities, and it has acted most constitutionally in refusing to accept office without the

necessary assurance coming from the Governor. His Excellency, however, whether on his own initiative or under instructions from his High Command, formed the present Ministry. The interim Ministers perhaps wished and expected that they would be able to gather support from amongst the Assembly members, so that the minority Ministry may turn out to be a stable Ministry. In fact, reports were appearing in press that there were internal dissensions in the Congress Party in the Legislative Assembly. In order to nail this lying propaganda to the counter finally and effectively and also to warn those who were trading and banking on the much-too-desired schism in the Congress Party, it was thought necessary to send the resolution along with the signatures of those who condemned the interim Ministry in unequivocal terms. This will show once for all that the Congress Party in the Central Provinces Legislative Assembly shall not allow anybody to question its solidarity and cast slur on its sense of discipline and patriotism.

After ten weeks of statements and counter-statements, which created a hubbub and furore in the country and outside, if the Government High Command as a result of their reflection has now arrived at a conclusion that agreement with the Congress on honourable terms is necessary, and the assurance asked by the Congress was just and proper, I think there should be no difficulty in ending the present impasse.

May I take it that this assumption is correct and that His Excellency is now prepared to give me the necessary assurance. If so, he may give me the personal interview at such time and place as will be mutually convenient.

Yours sincerely,
N. B. KHARE

314

Syed Wazir Hasan's Plea for Muslims Joining the Congress

Independent India, 20 June 1937

Sir Syed Wazir Hasan has advanced a powerful plea for the Muslims joining the Congress and has declared his own resolve to resign from the Muslim League if it does not change its constitution and decide to join the Congress in its struggle for independence. The remarks of Sir Syed advocating unity in preference to cooperation deserve the attention not merely of the Muslims but of all other sections and classes in the country. He says, "It will be seen that I have insisted all along upon joining the

Congress and have not suggested cooperation. I have reasons for this view. A bare cooperation must always leave crevices through which adverse influences may creep in and either kill cooperation altogether, or make it so weak as to render it of no value whatsoever. Another reason is that for the purpose of carrying on political and constitutional agitation to a successful issue, it is always of immense advantage that there should be one united front and one platform which is presented by such a powerful, well organised and disciplined body as the Indian National Congress." We wholeheartedly endorse these remarks. We have always held that the Congress should be a union of all anti-imperialist classes and forces in the country. We have always deprecated the idea of any one of those classes standing outside the Congress and merely offering it cooperation. This latter conception weakens the Congress and disrupts the unity of the anti-imperialist forces. Every class participating in the anti-imperialist struggle will have its independent class organisations for its own specific class purposes but all of them will unite in the Congress for the attainment of the common goal of national independence. That is the only and the surest way of immediately building up a united people's anti-imperialist front.

315

Mohammad Iqbal to Jinnah on Separate Federation of Muslim Provinces¹

LAHORE
21 June 1937

[Private and Confidential]

MY DEAR MR. JINNAH,

Thank you so much for your letter which I received yesterday. I know you are a busy man; but I do hope you won't mind my writing to you so often, as you are the only Muslim in India today to whom the community has a right to look up for safe guidance through the storm which is coming to North-West India, and perhaps to the whole of India. I tell you that we are actually living in a state of civil war which, but for the police and military, would become universal in no time. During the last few months there has been a series of Hindu-Muslim riots in India. In North-West India alone there have been at least three riots during the last three months and at least four cases of vilification of

¹ Syed Sharifuddin Pirzada, *Quaid-e-Azam Jinnah's Correspondence*, Karachi, 1977.

the prophet by Hindus and Sikhs. In each of these four cases, the vilifier has been murdered. There have also been cases of burning of the Koran in Sind. I have carefully studied the whole situation and believe that the real cause of these events is neither religious nor economic. It is purely political, i.e. the desire of the Sikhs and Hindus to intimidate Muslims even in the Muslim majority provinces. And the new constitution is such that even in the Muslim majority provinces, the Muslims are made entirely dependent on non-Muslims. The result is that the Muslim Ministry can take no proper action and are even driven to do injustice to Muslims partly to please those on whom they depend, and partly to show that they are absolutely impartial. Thus it is clear that we have our specific reasons to reject this constitution. It seems to me that the new constitution is devised only to placate the Hindus. In the Hindu majority Provinces, the Hindus have of course absolute majorities and can ignore Muslims altogether. In Muslim majority provinces the Muslims are made entirely dependent on Hindus. I have no doubt in my mind that this constitution is calculated to do infinite harm to the Indian Muslims. Apart from this it is no solution of the economic problem which is so acute among Muslims.

The only thing that the communal award grants to Muslims is the recognition of their political existence in India. But such a recognition granted to a people whom this constitution does not and cannot help in solving their problem of poverty can be of no value to them. The Congress President has denied the political existence of Muslims in no unmistakable terms. The other Hindu political body, i.e. the Mahasabha, whom I regard as the real representative of the masses of the Hindus, has declared more than once that a united Hindu-Muslim nation is impossible in India. In these circumstances it is obvious that the only way to peaceful India is a redistribution of the country on the lines of racial, religious and linguistic affinities. Many British statesmen also realise this, and the Hindu-Muslim riots which are rapidly coming in the wake of this constitution are sure further to open their eyes to the real situation in the country. I remember, Lord Lothian told me before I left England that my scheme was the only possible solution of the troubles of India, but that it would take 25 years to come. Some Muslims in the Punjab are already suggesting the holding of a North-West India Muslim Conference, and the idea is rapidly spreading. I agree with you, however, that our community is not yet sufficiently organised and disciplined and perhaps the time for holding such a conference is not yet ripe. But I feel that it would be highly advisable for you to indicate in your address at least the line of action that the Muslims of North-West India would be finally driven to take.

To my mind the new constitution with its idea of a single Indian

federation is completely hopeless. A separate federation of Muslim provinces, reformed on the lines I have suggested above, is the only course by which we can secure a peaceful India and save Muslims from the domination of non-Muslims. Why should not the Muslims of North-West India and Bengal be considered as nations entitled to self-determination just as other nations in India and outside India are?

Personally I think that the Muslims of North-West India and Bengal ought at present, to ignore Muslim minority provinces. This is the best course to adopt in the interests of both Muslim majority and minority provinces. It will therefore be better to hold the coming session of the League in the Punjab, and not in a Muslim minority province. The month of August is bad in Lahore. I think you should seriously consider the advisability of holding the coming session at Lahore in the middle of October when the weather is quite good in Lahore. The interest in the All-India Muslim League is rapidly growing in the Punjab, and the holding of the coming session in Lahore is likely to give a fresh political awakening to the Punjab Muslims.

Your sincerely,
MOHAMMAD IQBAL

316

Linlithgow's Statement on Governors' Position (Extract)¹

21 June 1937

The Executive authority of a Province runs in the name of the Governor: but in the ministerial field the Governor, subject to the qualifications already mentioned, is bound to exercise that executive authority on the advice of his ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere primary responsibility rests with ministers, the Governor remains ultimately responsible to Parliament. Over the whole of the remainder of the field ministers are solely responsible, and they are answerable only to the provincial legislature. In the discharge of the Governor's special responsibilities it is open to the Governor, and it is indeed incumbent upon him, to act otherwise than on the advice of his ministers if he considers that the action they propose will prejudice minorities or areas

¹ *Indian Annual Register*, Vol. I, 1937

or other interests affected. The decision in such cases will rest with the Governor; and he will be responsible to Parliament for taking it. But the scope of such potential interference is strictly defined—and there is no foundation for any suggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a Province outside the limited range of the responsibilities specially confined to him. Before taking a decision against the advice of his ministers even within that limited range a Governor will spare no pains to make clear to his ministers the reasons which have weighed with him in thinking both that the decision is one which it is incumbent on him to take, and that it is the right one. He will put them in possession of his mind. He will listen to the arguments they address to him. He will reach his decision with full understanding of those arguments and with a mind open to conviction. In such circumstances, given the goodwill which we can I trust postulate on both sides, and for which I can on behalf of His Majesty's Government answer so far as Governors are concerned, conflicts need not in a normal situation be anticipated. . . .

Where . . . a really major issue is involved and ministers, even though they are not responsible for the final decision taken by a Governor, and can without any constitutional impropriety make that clear, feel that such action has raised issues of such a character, and affected their position as a parliamentary party, in such a way that they can no longer, without misunderstanding in the country, associate themselves with the Governor in the work of administration, then it is open to ministers to resign. Or, if they do not resign and the Governor feels that his partnership with them cannot with profit to the public continue, it is open to a Governor, and indeed incumbent on him to dismiss them. But the object of Governors and, I feel confident, the object of the ministers, will at all times be to avoid such a state of things arising. The mere fact that the Government of India Act covers contingencies such as the dismissal of ministers, the breakdown of the Constitution, or the like, is not for one moment to be taken as involving an assumption that the framers of the Act, those concerned with its administration, or anyone, indeed, who is concerned for the constitutional progress and development of this great country, wishes to see those contingencies turned into realities. . . .

317

Essak Sait Urges Jinnah to Refute Wazir Hasan's Statement

Jinnah Papers

22 June 1937

We are in the thick of fight now. Muslim League branches are being established and members in great numbers are being enrolled. I hope to be able to announce in the near future a substantial number of members enrolled. Meanwhile the recent statement of Sir Wazir Hasan is doing a great deal of harm to our cause in these parts especially because he was the president of the last annual Session. It has been printed in thousands in the vernacular by the Congress Committees and is being distributed among the Muslim masses. It confronts us everywhere. It is difficult to meet the taunt that he was the President of the League so recently. We were expecting a strong statement from you refuting his arguments one by one which we too could have printed in thousands and distributed. Let me urge that such a statement from you is still called for.

318

*Linlithgow to Erskine on Sending Profiles of Ministers
In-charge of Law & Order*

Erskine Papers

23 June 1937

(Personal & Confidential)

MY DEAR ERSKINE,

The Secretary of State in a recent private letter indicated to me that it would be of special interest to him to know something of the history of the Ministers in Provinces who were in charge of law and order, their attitude towards the question of action under the Special Acts dealing with public security, their relations with the Intelligence and Special Branches of the Police, etc., and that this matter, given its importance, would be "a particularly suitable subject for treatment in the Fortnightly

Reports from Governors to you and me." I entirely agree with the Secretary of State as to the interest and the importance of this matter, and any assistance you can give us in connection with it on the lines he suggests will, I am sure, be of great value to both of us.¹

I take this opportunity to mention another matter which is also of considerable importance, though naturally the position in regard to it varies in different Provinces. I refer to the attitude of Ministers in the matter of prosecutions under the substantive law, for which the prior sanction of the local Government is required, for public speeches which are seditious or of a doubtful or subversive character. It would be of much value and great interest to me to be kept informed whether difficulties or delays have been experienced in dealing with such cases owing to the refusal or reluctance of Ministers to authorise prosecution.

Yours

LINLITHGOW

¹ Similar letters were written to all other Provincial Governors.

319

Confidential Appreciation of the Political Situation and Coronation Celebrations in India (Extract)

Cabinet Papers, No. 24/270

23 June 1937

4. Detailed reports received since the last appreciation was written, amply confirm the first impression that the coronation was celebrated with enthusiasm and success in every province. Except in a few places, Congress, while advocating non-participation in the ceremonies, refrained from active demonstration; and the occasion gave evidence of the ease and amity with which the various communities unite when professional agitation is relegated to the background by great events.
5. The administration of the Provinces is being carried on uneventfully by the ministries. In the 6 Provinces in which Congress are in a majority the Legislatures have still not been summoned; and it is clear that, in the time thus given to the electors and their representatives for reflection, the futility of the official Congress attitude towards the acceptance of office has caused growing impatience. The experience of the existing

ministries shows that acceptance of office brings real power and responsibility; the programmes published by them naturally cover a good part of the Congress election promises and the feeling is growing that it is unreasonable to refuse such opportunities merely to satisfy a punctilio. That Gandhi is not insensitive to this feeling is shown by some recent pronouncements. However, the President of Congress had only recently returned to India from a tour of Burma and Malaya, and it remains to be seen what decision will be made by the Working Committee of Congress when it meets shortly to frame its orders to the provincial organisations.

6. Precluded by their own decision from the constructive task of government, Congress activities in these six provinces have been largely confined to gestures against the Ministers, such as assembling members of the legislature and passing votes of no confidence against the ministries. In one province the meeting proved a conspicuous failure, Congress failing to secure a majority of the elected members for the motions. In the villages widespread propaganda continues, designed to justify the policy adopted and to prepare the way for another election. By setting up unofficial enquiry committees, by preaching revolt against landlords and by advocating non-payment of rent, the Congress have where opportunity offered sought to exploit local grievances to their own advantage. Of particular importance are the strenuous efforts made to draw the Moslem community into the Congress fold.

The situation on the frontier has, however, proved a serious source of embarrassment. Bitter controversy was aroused by the action of Congress in prescribing the holding of public meetings on "frontier day", May 28th, to condemn the policy of Government on the North West Frontier. In their efforts to win over the Moslems, Congress succeeded in arousing deep resentment among large sections of the Hindu communities, who regard the policy pursued on the frontier as the minimum safeguard for their fellow Hindus against the ravages of Moslem tribesmen. On the Moslem side, moreover, at a meeting of the Moslem League at Lucknow, of which mention was made in the April appreciation, allegiance to the Congress was unequivocally repudiated and for the moment Congress attempts to win Moslem support have failed.

7. It is difficult to believe that the unrest caused by these manoeuvrings is not in some degree responsible for the continuing communal clashes. Although tension in Sind, Bihar, and in the Punjab, of which mention was made in previous reports has diminished, disorders have occurred in nearly every other province. In Madras city a trivial incident led to prolonged rioting between Hindus and Moslems from 27th April to 5th May, in which one person was killed and 43 persons injured. In a

recrudescence of the disturbances 2 Hindus were stabbed to death. At Tinnevely, in the same province, Moslems looted and burned 64 Hindu houses. In Poona a dangerous situation arose, while in Bombay city, 10 persons were killed and many injured in severe communal rioting.

In the United Provinces one Moslem was killed and 2 injured by Hindus in Shahjahanpur. In Lucknow a bitter controversy has been raging between the Shia and Sunni sects of Moslems; while a committee appointed by the Government were preparing their report rioting broke out between the sects which continued sporadically for a week, 7 persons being killed and many injured. In Bengal, Central Provinces, Assam and in the North-West Frontier Province minor incidents have occurred.

8. These communal incidents and the attitude of Congress in 6 provinces, where they might be in office if they wished, need not obscure the fact that both in those provinces and in the remaining 5, where majority ministries are in power, the machinery of Government runs smoothly. It is worthy of note that the industrial situation in Bengal has greatly improved by the termination of the widespread strikes in the jute mills. A settlement was reached through the personal intervention of the Chief Minister and the month closed with the mills generally working at full strength.

320

*Chhatari to Haig: Explains the Position of the Interim Government
vis-a-vis the Congress*

Haig Papers

OAKOVER, NAINI TAL

23 June 1937

YOUR EXCELLENCY,

With Your Excellency's indulgence I beg to refer to the present constitutional position in the province, and briefly to survey the events that led to the recent impasse.

The Congress, after securing a majority in the Legislature, asked for assurances which Your Excellency could not give under Act, and refused to take upon them the responsibility of Government. I, together with my colleagues, accepted the responsibility, not because we are keen on doing so, but because we belong to that school of thought which believes in working the Reforms in spite of the defects and shortcomings

of the Constitution and not in wrecking them. We were also conscious that our refusal might give to the Province a government which might be regarded by Indian opinion as worse than a minority Government. In all my statements issued from that time I have made it clear that we are willing to make room for the majority party whenever they are ready to take office and that meanwhile we are here to carry on the King's government and to serve our province to the best of our ability in spite of our difficulties and limitations. Since then several statements have been issued by the Secretary of State and by the Governors of provinces clarifying the constitutional position and explaining it to the majority party. On the other side, Mahatma Gandhi has also issued several statements. In his last statement, according to the papers, he has said that the Congress is "being talked at instead of being talked to." The implication of this, to my mind, was that the Congress, on whose behalf he speaks, wished even then for another offer of office. Since then His Excellency the Viceroy has made a statement which, to my mind, makes the constitutional position absolutely clear, and there can be no valid ground now for the Congress to refuse office. I feel that the natural sequel to my statements about making room for the Congress is that I should now request Your Excellency to give the majority party another chance to come in if they wish to do so. I hope, therefore, that Your Excellency will give them the opportunity now, and that in doing so Your Excellency will assure them that the present Cabinet will make way for a majority party Ministry as soon as the latter is willing to function.

Your sincerely,
AHMAD SAID

321

*Haig to Linlithgow on General Opinion Among Congressmen in Favour
of Office Acceptance*

Linlithgow Papers

23 June 1937

(Strictly Confidential)

MY DEAR LORD LINLITHGOW,

I am sending my sixth fortnightly report on political conditions in the United Provinces under the new constitution. Until the issue of Your Excellency's Statement there has been little that is new to record about

Congress opinion towards office acceptance. The Premier paid a visit to Pandit Govind Ballabh Pant about a fortnight ago, and had a long and friendly conversation with him. His impression was that the Pandit, though willing and indeed anxious to accept office, was clearly not a free agent, and was reluctant to get down to a practical discussion of difficulties. He was inclined to insist very much on Mr. Gandhi's demand that if there were a serious disagreement, Ministers should be dismissed. The Premier got the general impression at that time that Congress would not take office.

2. Subsequently the Pandit paid a long visit to Sir Digby Drake Brockman, Chairman of the Public Service Commission, who is an old friend of his and who had previously called on the Pandit. The conversation lasted an hour and a half, and Drake-Brockman told me subsequently in strict confidence that he and Pant discussed matters with considerable frankness, and that he got the impression not only that Pant and the majority of the United Provinces Congressmen were exceedingly anxious to take office, but that they might even be prepared to break away and take a line of their own. I cannot believe that this is a correct impression, and Drake-Brockman admitted to me that Pant's expressions were decidedly ambiguous. But Drake-Brockman at any rate formed the clear view (a) that Pant is very anxious to take office; (b) that he still has a certain difference as to how a Congress Government would be treated by the Governor, based on what Drake-Brockman describes as an inferiority complex; and (c) that given encouragement he would be likely to come out strongly in favour of office acceptance.

3. Drake-Brockman stressed so much the desirability of further personal reassurances to Pant that I thought it advisable that he should write a letter to Pant, saying that after reflecting over their conversation, he felt it might be a good thing if Pant were to see me; and that if Pant felt that this would be of any advantage, he was sure there would be no difficulty in arranging an interview. This letter was written a few days ago and there has at present been no answer to it. If any interview were to take place, I contemplated that it would be strictly private and that it should be kept out of the Press. It would suit neither Pant nor myself that an interview should take place publicly at this stage. He would probably get into trouble with his own people, and I might also find that my Ministers would not altogether appreciate my action. The new situation, however, created by Your Excellency's Statement makes me feel that it would be definitely a mistake for me to see Pant now under those conditions. As I shall explain separately, it seems to me likely enough that I shall be seeing him formally before long.

4. Your Excellency's Statement was published yesterday morning. I sent a copy to Pant. I discussed the Statement with three of my Ministers who came to see me yesterday. They all independently took the same

line. They consider that it is an excellent Statement, that it puts the whole position clearly and unmistakably, and that while it is most conciliatory to Congress and should reassure them in respect of any genuine doubts they may entertain, at the same time, it makes it clear that the safeguards are not going to be abandoned and that the Governors will be expected to exercise their powers if real necessity arises. This is entirely in accordance with their own views of the line that should be taken, and they approve highly of the Statement. They could offer no opinion as to the probable reactions of Congress.

5. We had a Cabinet meeting today, and at the end of it I had a long talk with my Ministers about the probable reactions of Congress. Sir J.P. Srivastava had met Dr. Katju yesterday and had a long conversation with him. Katju spoke with great frankness. He said that he was entirely satisfied with Your Excellency's Statement, and he was confident that Congress would now take office. He said they had really secured what they wanted. There had been a fourth reading of the Bill in India, and this had gone in accordance with the wishes of the Congress. They were impressed by the sincerity of Your Excellency's Statement and felt they had secured what they really wanted, namely, a change of heart on the part of the British Government. Moreover, it is fairly clear that Congressmen are feeling that if they continue to make difficulties about accepting office, they are likely to lose ground in the country. They are keeping the electorate quiet with explanations and misrepresentations but the electorate cannot be fed indefinitely on words, and they are afraid that it will soon be getting impatient. My Ministers think that M. N. Roy's draft resolution, a copy of which I attach,¹ is very significant, and shows that on a realistic view even Congressmen of a pronounced left wing tendency are beginning to realise that they must take office. I can offer no opinion as to what Nehru's reaction will be, or what would be the effect of strong opposition by him, but I have no doubt from what I have heard that the general opinion of Congressmen in this Province will be very strongly in favour of office acceptance.

6. Dr. Katju in his conversation with Sir J. P. Srivastava did not conceal the fact that the Congress leaders, and he himself, did not contemplate the Congress allowing themselves to be tamed by office acceptance. Their intention is to do what they can to improve the condition of the tenants and carry out other beneficial measures for the next eighteen months or two years. But as soon as they feel that the first

Secretary of State

impetus of these popular measures is exhausting itself,

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and as they begin to suffer from the fissiparous tendencies that office may engender, their intention will be to force a break on an issue which

¹ Not printed

will not be economic, but will definitely be Indian *versus* British, and in this way create a situation which will lead either to further constitutional changes or to a mass movement, for which by that time they might be prepared. They realise that at present they are not ready for a mass movement. It is I think as well that our satisfaction with the issue of the present phase, if it turns out now as we all hope it may, should be tempered by a realisation of what the Congress leaders have at the back of their minds. Our hope must be that in the course of the next 18 months or two years we may, by the working of the constitution and by contact between the Congress and the administration, produce such a change of feeling that the policy of the Congress leaders could not be carried into effect. But optimism in this matter must be cautious.

7. I had a very interesting discussion with the Cabinet regarding the tactics for the change of Government if the Congress do decide to take office, and on this I am addressing Your Excellency separately.

8. The Ministers have all been in Nainital since my last report, and they will remain here till the end of the month, by which time we hope to have got through a number of important discussions, particularly on the budget. They will then go down to Lucknow at the beginning of July, and I shall probably follow about the 10th July. As I have told Your Excellency separately, the Ministers and I myself are all in agreement that the most convenient date for summoning the Legislature in this Province would be the 29th July. We contemplate that no serious business would be done during the remainder of that week, and the budget would then be ready (but not before then) for presentation at the beginning of the next week on the 2nd August. As the whole political situation is very fluid at the moment, I am in no hurry to make any announcement about the date for summoning the Legislature. All this of course is the programme framed on the assumption that Congress do not indicate early in July their readiness to accept office, which would create a totally different situation.

9. The visit of the Finance Minister to Bombay has been of very definite value in regard to the question of financing new schemes by borrowing. He has returned firmly convinced, both of the unsoundness of such a policy and of the practical impossibility of carrying it out even if it were attempted. He had some useful conversation with Sir James Taylor and was able to explain to the Cabinet the likely reactions of the market to any proposal for unsound borrowing. The Cabinet were entirely convinced and have quite given up all idea of financing new schemes by borrowing. Their intention is to come as near as possible to balancing the budget on the existing basis, and then to lay before the Legislature a certain limited number of new schemes which would have a definite attraction, and at the same time to indicate how they could be

financed by new taxation. But I do not think that anyone anticipates that the Legislature will be prepared to do anything in the way of financing new schemes by new taxation proposed by the present Ministry, and I understand that the Ministers do not propose to do much more than indicate possibilities. They have had no further discussion on the question of canal rates. It is clear that the Finance Department at any rate will strongly oppose any proposals for reduction of canal rates, and I am trying to get the Ministers to realise that it would really be a solid achievement and one of which no one could deprive them of the credit if they were able to present a practically balanced budget in August, which would evidently be out of the question if they threw away revenue by reduction in canal rates.

10. I judge from reports that Congress activity in the villages has been increasing lately and the tone of speeches is certainly deteriorating. We

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have already authorised District Magistrates to proceed under Section 103 of the Criminal Procedure Code against speakers who in their judgment require to be restrained. We have also recently authorised several prosecutions under Section 124-A of the Indian Penal Code. These are I think in all cases against left wing or communist Congressmen. Among these is Sajjad Zaheer, the young communist son of Sir Wazir Hasan, Late Chief Judge of the Chief Court of Oudh. He has been, ever since his return from England a year or two ago, a very active communist worker. His prosecution for a seditious speech was sanctioned last cold weather; but at the urgent entreaty of his father, who gave a guarantee that the son would refrain in future from seditious speaking, the prosecution was withdrawn. The young man immediately repudiated the father's assurance and there can be no ground now for further leniency. Incidentally, Sir Wazir Hasan has now openly espoused the Congress cause. We have refrained from instituting a prosecution against Dr. Lohia, the Secretary of the Foreign Department of the All-India Congress Committee, in respect of two or three very bad speeches, because we felt that at the present time this would unnecessarily antagonise the Congress organisation. But if the Congress do not accept office, it will, I am convinced, before long be necessary to proceed against persons of the type of Dr. Lohia.

11. We still have in our jails a certain number of revolutionary prisoners, mostly those who were convicted some ten years ago in the Kakori case, which disclosed a considerable organisation for revolutionary dacoity. We have had from time to time hunger strikes by some of

Secretary of State was on to this point.

Have we conveyed it to all Governors.

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these Kakori prisoners,

and one of them has now

gone on hunger strike

(not for the first time) in order to support his demand that all political prisoners throughout India should be released. The Government are taking a firm line, both about the demand and about the hunger striker, and the probabilities are that the hunger strike will go on for a considerable time without danger to the life of the prisoner. But the Ministers have felt themselves somewhat embarrassed, in pursuit of this policy, when they found that simultaneously the young man who attempted to murder Sir John Anderson was being released and sent to England for training, apparently at Government expense, and also that the revolutionary prisoners in Burma are being released as a gesture of conciliation.

12. The report of the committee consisting of Mr. Justice Allsop of the Allahabad High Court and Mr. Ross, Collector of Jhansi holding charge of the division, on the Madhe-Sahaba question in Lucknow has been received. It is being kept very strictly confidential at present. The report seems to me an admirable document, and will give the Government a clear line, which I think they will certainly accept. But naturally its conclusions will not be satisfactory to both sides. I had a preliminary talk yesterday with the Premier, the Chief Secretary, and the Commissioner and Deputy Commissioner of Lucknow who both happen to be in Naini Tal, and it was provisionally decided that the report should be accepted and that it should be published simultaneously with the Government orders upon it, probably about the 20th July, after all precautions have been taken locally against a renewal of disturbances. This policy of course will have to be endorsed by the Cabinet. It will probably not be put up to them until about the 10th July. I do not myself anticipate that there will be renewed rioting, but it is likely that a troublesome agitation may be revived and continued for some time. The fact, however, that all the claims on both sides will have been examined in this very impartial and authoritative manner and that Government will come to definite conclusions on the new points raised since the orders of Sir John Hewett were passed will, I hope, in the end lead to a gradual cessation of the trouble.

13. A Muslim bye-election in Bundelkhand, polling for which takes place about the middle of July, will be treated as a trial of strength between the Congress and the Muslim League. I do not think the Muslim League have done a great deal at present, but I fancy they will put a good deal of effort into it from now onwards. Jinnah is interested himself in the election. If the Congress were to be successful, it would undoubtedly be a serious blow to the Muslim League.

322

*Nehru's Statement on Viceroy's Speech About Political Deadlock**Nehru Papers*

24 June 1937

The recent speech¹ of Lord Linlithgow, the Viceroy, is pitched in a somewhat lower key than most of the previous utterances on behalf of the British Government. It is softer in tone and *prima facie* is conciliatory in approach. During the last three months there has been a marked change in these utterances. The Secretary of State for India, Lord Zetland, adopted a minatory and pompous attitude² some time back and his subordinates in India faithfully reflected that attitude. Very soon they realised that the attempt to bully the people of India would not pay; it had the reverse effect. So the tone changed and soft words took the place of harsh language. But the substance remained much the same and it is the substance that counts.

The objective and policy of the National Congress have been clearly laid down. We aim at the independence of India and a constitution that has been framed by a constituent assembly elected by adult franchise. We aim, in other words, at the capture of power by the Indian people as a whole. Only then shall we be in a position to tackle and solve the vast social and economic problems that face India—the appalling poverty and unemployment, the terribly low standard of living of our people. For this purpose, great changes in the social structure will be necessary and a vast planned system affecting our agriculture and industry and social services. These social and economic changes cannot take place under British imperialism. Political independence is an essential preliminary step before social problems can be successfully tackled and the burdens that crush our millions removed. Therefore we concentrate on this political issue, but we have in mind always that the real problem is how to end poverty and unemployment.

Meanwhile a reactionary constitution has been imposed upon us by British imperialism, meant to protect and perpetuate all the tremendous vested interests—British and Indian, imperialist and feudal—that exploit and impoverish our people. We have rejected that constitution utterly and we want to put an end to it and all our policy is directed to that end. We cannot and will not cooperate in accepting and working that constitution. It was on this basis that we went to the electorate and were supported by them in an overwhelming measure. This fact must be

¹ See No. 316

² See No. 178

remembered for it is the basic fact of the situation, and superficial changes in our tactics must not delude anyone into imagining that we are giving up by an iota our policy of fighting and ending the new constitution. That constitution will have to go and imperialism will have to go from India.

The Viceroy has spoken softly but the meaning of his utterance is hard as British imperialism is hard. More revealing still are the activities of the government. We are told by the Prime Minister that we have already got provincial autonomy. This provincial autonomy is a strange and ugly beast which functions just as British imperialism has functioned in India. Indeed, it is the same thing in a slightly different garb. Puppet ministers have been appointed who do not have the support of even fifteen or twenty per cent of the legislature; in some cases ministers are not even members of the legislature, having been defeated in the elections. And for fear of being kicked out by an overwhelming majority of that legislature, the legislature is not summoned. In Europe this is called the fascist way of doing things; in India the British Government calls it democracy.

These puppet ministers, with the Governor at their back and the high officials of the civil service to put courage into them, are carrying on the old tradition of repression and suppressing civil liberties. Within the last few weeks some remarkable instances of "democracy" and "provincial autonomy" have occurred in India under the new dispensation. In Madras province a summer school of socialistically-inclined young men and women, carrying on its work peacefully and quietly inside a house, was declared illegal by the government of the puppet ministers and, soon after, the police came and indulged in lathi play, breaking many heads and injuring many people and then arresting the lot. A bunch of them has now been awarded six months' imprisonment.

Newspapers are being penalised and their securities forfeited for criticising the ministers. Leading Congressmen are externed or interned from particular places. Arrests for speeches are frequent, sometimes for speeches delivered two years ago or during the last election. In the United Provinces, a planned campaign to prevent Congress work has recently come to light. It appears that early in May a secret meeting was held at which the puppet ministers and high officials of the civil service were present. At this meeting it was decided to proceed on an extensive scale against leading Congressmen chiefly under the security sections of the Criminal Procedure Code—sections 107, 108, 109. Some of these are meant for bad characters and habitual criminals. Already more than a score of such cases are pending all over the province and fresh arrests are being made. The U.P. Provincial Congress Committee, at a recent meeting, drew attention to this planned campaign of repression as a flagrant example of the working of what is called provincial autonomy.

It has directed all Congressmen, against whom such proceedings are taken, to refuse to give security for so-called good behaviour, which means an abstention from political activity, and to prefer going to prison. A large number of organisations continue to be banned under the existing law.

Strikes are frequent. There was an extensive jute strike near Calcutta two months ago in which two hundred twenty thousand workers were involved.³ The police and the military were used against them and firing took place. The strike was ultimately called off on certain assurances from the ministers. Those assurances have so far not been fulfilled.

A great strike of railway workers on the Bengal Nagpur Railway took place some time back.⁴ It was well organised and entirely peaceful and all the efforts of the officials of the railway and the government to break it failed. Thereupon promises were made on behalf of the government conceding certain demands and the strike was called off. The subsequent steps taken by the government have been such as to make the railwaymen feel that they have been betrayed and there is at present strong resentment among them.

In Dhubri in Assam, in a match factory owned by the Swedish Match Trust, a strike has been in progress for the last six months and in spite of extreme hardship and starvation the workers are still carrying on.

In the rural areas the condition of the peasantry is appalling. In recent years over a hundred large factories for manufacturing sugar grew up in the United Provinces and Bihar and vast tracts were given over to sugarcane cultivation. The peasant, despairing of wheat cultivation owing to the fall in agricultural prices, turned to sugarcane. For a short period he did just slightly better by this change-over, while the factory owners made large profits. There was over-production and the price of sugarcane fell. Lately the government has imposed an excise duty on sugar by certification and this has been passed on almost completely to the sugarcane grower. The condition of the peasantry in these areas is piteous in the extreme and there is great ferment among them.

This is the background of the Viceregal utterance. This is the reality in India and those who claim to think and act in terms of reality must face this. An Act and a constitution which protect and safeguard imperialism and all other vested interests must petrify this misery of India's millions. Therefore we will have none of them and that remains our fundamental policy.

Soft words and gestures do not solve hard problems or fill empty stomachs.

³ The Calcutta jute mill workers were on strike since February 1937 for securing their elementary right to form a union and for the redress of their legitimate grievances.

⁴ A strike in the Bengal Nagpur Railway continued from 13 December 1936 to 10 February 1937 due to the demotion of a number of workers.

323

*Linlithgow to Zetland: Informs about the Reaction in India to His Statement
(Extract)*

Linlithgow Papers

VICEREGAL LODGE, SIMLA

24 June 1937

MY DEAR ZETLAND,

The reactions to my Message and my Broadcast have so far been all that could have been desired. The one exception is the *Hindustan Times* which has for the last two or three months adopted as a rule a reasonable, if sometimes critical attitude; but which, for the last fortnight, has been showing signs of restiveness, and which has chosen the occasion of my Message to declare that there can be no compromise of any sort as between the Governor and his Ministers, and that nothing will meet the case short of a clear understanding that whether the matter in issue be of a major or minor importance. Ministers must go if they are over-ruled or interfered with by the Governor. The article goes on to express the hope that Congress will make it clear to Government that if there is a breakdown now, the country was prepared to face the consequences in other words to contemplate a renewal of civil disobedience! I am still at a loss to know what the precise underlying cause may be of this attitude of the *Hindustan Times*. I gather that at the moment Devadas Gandhi is acting as Editor and it may well be that there is some feeling of personal pique that we have not issued an invitation to the Mahatma himself to come for an interview, or gone further in the way of meeting Congress. Another possibility which I by no means discount is that Mr. Gandhi Senior has thought it opportune to use the *Hindustan Times* to put up a *ballon d'easai*. If this is in fact the case, his action has served its purpose, for the *Hindustan Times*, to my great satisfaction, finds itself almost entirely isolated in the attitude which it has adopted. I see, however, that today's leader in the *Hindustan Times* is far less critical. Maharashtra press opinion equally, I understand, takes the view that my Message was unsatisfactory from the Congress standpoint. But broadly speaking there is on all sides a recognition that the Message which, as comment fully accepts, does no more than resume the various statements made by you, by Butler, and by provincial Governors in the last two or three months, constitutes as marked an advance and as definite an undertaking as can be expected from the Viceroy and from His Majesty's Government, given the terms of the Act. The members of the Working Committee, including Mr. Gandhi himself, have abstained from comment. But there is abundance of general support in the Provinces

and from persons prominent in the councils of the Congress for office acceptance on the basis of my Statement. I in no way under-estimate the control exercised by the central caucus, and if they should at their meeting on 5th July decide to remain in the wilderness or to attach conditions impossible of acceptance by us to office acceptance by the Congress Party, I think it is quite likely that control is so good that the Provinces would fall into line. But if, which I sincerely trust may not be the case, events take this turn, I am entirely satisfied that Congress will be imposing on the loyalties of its followers and on its organization a strain which may shortly near the breaking point. I am, I confess, quite uncertain at this moment as to which way the cat will jump. So far as the home front is concerned, I think that you and I can both feel in the light of press comment that we have put ourselves in a much stronger position, and that it can no longer be reasonably contended by any party or individual that we are not concerned to remove all possible misunderstandings or hesitations on the part of Congress, or anxious to see them in office as soon as possible. The *Daily Herald* comment has, as you may imagine, been of particular value out here. The *Manchester Guardian*, not unexpectedly, appears to have been somewhat more lukewarm. But we have, I think, every reason for satisfaction with the support which the press has given us and I am most grateful to you for the steps you have taken to bring this about.

5. Thank you so much for your "official" letter about procedure in connection with these periodical reports. I think there is great force in what you say, and I had already been turning over in my own mind the extent to which some modification would be desirable so far as my own correspondence with Governors under a personal label was concerned. I have little doubt that we shall be able to devise a working arrangement which will entirely meet all the points which you have taken. I attach myself particular importance to one aspect of the matter on which you touch in your letter, and that is the possible detrimental effect of a Viceroy or a Secretary of State removing from official record very important correspondence merely because it is marked "Private and Personal" or alternatively the risk of such correspondence, since it has been treated as a private record, being used to embarrassing purposes in autobiographies or the like. You will remember that I touched on this aspect of the question of private and personal correspondence in paragraph 8 of my letter to you of 4th July.

6. In paragraph 3 of your letter of 30th May you touched on the question of Federation tactics and programme. I have, in the light of what you said, again been going into the whole of this question with the departments concerned; Political, Finance and Reforms, regarding it as I do as one of the utmost importance and of real urgency. I am asking

them to prepare a comprehensive statement of the position as we now see it, as fully documented as possible, so that I can give you the whole picture and with it my own comments and my views as to the appropriate course for us to pursue. I hope that I shall be able to let you have this with very little delay, but I am naturally concerned that it should be thoroughly tested from all points of view, and that, before it goes home to you, I should myself be satisfied that the arguments on which it is based and the policy which it recommends are both, in my judgment, water-tight and such as can be put to you with confidence.

7. I had a very happy letter from my wife describing her dinner with your lady and you, which she so much enjoyed. She seems to be having a grand time. It is a matter of real regret with me that I could never get up the slightest interest as to which of two horses could gallop the fastest, for the pursuit of the turf appears to give those who enjoy it very intense pleasure.

8. I am always so greatly obliged to you for the interesting precis that you give me on foreign news. Collins, our new Reuter's man, has been in to see me today and said that he has just had a telegram from his people asking him to send nothing but essential news in view of the European situation. I am not surprised, as the position, so far as my information goes, seems to me to be extraordinarily uncomfortable, not to say anxious.

All good wishes.

324

Gandhi to Lothian on Political Situation

Lothian Papers

24 June 1937

DEAR LORD LOTHIAN,

My deepest thanks for your long letter. I appreciate the patient effort you are making to convince me of the correctness of your advice. With much of what you say I wholly agree. The question of office-acceptance will now be finally decided at the forthcoming meeting of the Working Committee of the Congress. The Viceroy has just said¹ the last word about the Government's attitude. I admit that it is an improvement upon the first speech² on the situation by Lord Zetland.

1. See No. 316

2. See No. 178

Whatever the decision of the Working Committee may be—and you will have known it before this reaches you—what I would like to write upon is the fundamental difference between the colonies and India. So far as I know, the colonists were armed and knew the use of arms. The vast majority of thirty millions of voters here are unarmed, do not know the use of arms and perhaps would not like to be armed even if they were left absolutely free to do so—such is Indian culture. Though, therefore, I have pinned my faith to working along constitutional lines, I have, as every Indian has, either to think out a programme whereby every adult can be trained in the use of arms or find a substitute. At my instance, the Congress has for the last eighteen years attempted to experiment with the substitute called non-violent non-cooperation, civil resistance, etc. For myself I have rejected the idea of achieving freedom by the use of arms in the last resort and I have accepted as its final substitute the use of non-violence in every shape and form. The use of arms is not an unexplored field, that of non-violence has possibilities of infinite exploration. Hence my eagerness to discover a formula whereby, consistently with the Congress creed of complete independence, office-acceptance may be possible. But I must confess that I have not the faith that you have in the possibility of the existing Act to expand into an instrument of complete freedom. On the contrary, I believe in common with the vast majority of educated Indians that it is incapable of giving India what it wants and the sooner it is replaced by something of Indian design the better.

Of course, the Act does contemplate militarization of India at a snail's pace and therefore it is not so repugnant to those over-whelming numbers of Indians who want India to develop military power as it is to me who would if I could take India along a wholly different route.

Now, if you think that my reasoning is erroneous and that it is possible for India to attain her full height without the background of either military training or of non-violent training, you should come to India during next autumn if only to teach me. In any case, if the Congress decides upon office-acceptance it will be the beginning of real difficulty in one way and your coming is likely to be helpful. If the Congress decides otherwise, you will perhaps yourself feel impelled to come here in order that you might not leave a single stone unturned to avert a calamity which it would be if the rule of the sword replaces the rule of the electorate, that is, democracy, however, incipient it might be.

Yours sincerely,
M.K. GANDHI

325

*Erskine to Linlithgow on Rajagopalachari's New Demand (Extract)**Erskine Papers*

25 June 1937

Telegram 62 C. Private and personal. Your telegram 624S June 25th.

I will try and arrange interview with Rajagopalachari¹ and am writing to him in the tone you desire.

But I am not surprised at his attitude. If you will look at my telegram 51C dated June 11th you will see that he wanted a definite pledge from me that in the event of a serious disagreement I would dismiss him or ask for his resignation. This is a convention which we were not prepared to agree to and if we did, it would lead to endless charges and counter charges of bad faith. The fact is that Congress have got to take office under the terms of the Act or not at all and it seems that they were not prepared to do so.

1. See No. 303

326

Viceroy to Erskine on Rajagopalachari's Stand
L/PO/6/96(1)

25 June 1937

624-S

Private and personal. Your telegram of June 24th No. 61-C.¹ I find Rajagopalachari's attitude most difficult to understand, and entirely agree with you that it is discouraging unless it is momentary depression or pique. I would like to suggest that you should reply saying that you appreciate his frankness and his confidence, that you had hoped my message, so far from discouraging him, would have relieved his mind, and that you would welcome a private talk with him as you would much like to understand his inner mind on the whole position.

I am sure a talk, if it could be arranged, could do nothing but good, and it would, in any case, help to show us where we stand. For the moment I will merely repeat your telegram and this reply to the Secretary of State and wait to hear further from you.

1 See No. 325

327

*Viceroy to All Governors (Except Madras): Regrets Rajagopalachari's Attitude**Linlithgow Papers*

25 June 1937

Private & Personal. No. 627-G. I repeat for your information in my immediately following telegram copy of a telegram received from Erskine. I have replied that I agree with him that Rajagopalachari's attitude is most difficult to understand, and entirely share his view that it is discouraging unless it is momentary depression or pique. I have suggested that Erskine should reply saying that he appreciated Rajagopalachari's frankness and his confidence, that he had hoped that my Message so far from discouraging him would have relieved his mind, and that he would welcome a private talk with Rajagopalachari as he would much like to understand his inner mind on the whole position.

2. I will keep you informed of any developments. Rajagopalachari's attitude is not in line with other information at the moment available to me, though it would of course be a great mistake to bank on the Working Committee coming down in favour of office acceptance; and it is I think possible that Stanley's reference to, "half-way house" in the debate on 16th (which was unauthorised and had no significance) had led him to expect an announcement of some positive concession in my Message. But for all that his attitude is significant and may prove to be of importance, and I feel that you should know at once how the matter now stands.

328

*Viceroy to All Governors (except Madras): Circulation of Rajagopalachari's Letter to Erskine**Linlithgow Papers*

25 June 1937

Private & Personal. No. 628-G. My immediately preceding telegram. Following is text of Erskine's private and personal telegram of 24th June:—

Begins. I have received today following letter from Rajagopalachari:—

“When I read of Lord Stanley’s reply to Mr. Lansbury’s question in House of Commons I thought something might be done that would lead to useful results. But then when without any attempt at arriving at an ‘arrangement’ such as Lord Stanley referred to or any discussion with any one on our behalf it was given out that His Excellency the Viceroy would deliver a message, I feared it was going to be a repetition of old legalist position in propaganda language. My worst apprehensions have proved true. What *News Chronicle* wrote on June 4th in its editorial has happened. British Government have blocked solution by refusing to yield on a ‘procedural trifle’. Gulf has been widened and rendered impossible. I have refused to sanction statement now and I write this so unofficially that I thought I had better address it direct and not through Private Secretary’s Office. I remain, Your Excellency’s sincere friend.”

I communicate this for your information. It appears situation is pretty hopeless. *Ends.*

329

Linlithgow to Gowan Expressing Government’s Anxiety on CWC’S Attitude

Linlithgow Papers

VICEREGAL LODGE, SIMLA,
25 June 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR HYDE GOWAN,

Many thanks for your most valuable letter of 21st June¹, and for the Fortnightly Report enclosed in it. I have been following your discussions with Khare in so far as they were reported in the newspapers, and I was much interested in the comments in the *Hitavada*.

2. On the general question of the Congress position, I still find it impossible to form any firm judgment myself as to what is likely to happen when the Working Committee meets. Nor is it possible at this stage to assess the precise importance to be attached to Rajagopalachari’s letter to Erskine, which I telegraphed to you and to the other Governors

¹ Not printed

today. I am however at ease in my own mind, for I feel that we have done everything that could properly or possibly be required of us to remove legitimate misunderstandings or apprehensions, and to make it clear how anxious we are that Congress should accept office within the framework of the Act; and that if the worst comes to the worst we are fully prepared to deal with any situation that may arise. Let us hope that the forces of reason will prevail when the Working Committee meets. The discipline is so good that I have little doubt that if they decide against office acceptance they can rely on the continued allegiance of their followers or of the great bulk of their followers. But the loyalty of those followers must, I would have judged, be put to an increasing strain in that event.

Yours sincerely,
LINLITHGOW

330

*Viceroy to Madras Governor: Advises Not to Go Beyond His Statement in
Interview with Rajagopalachari*

Linlithgow Papers

25 June 1937

Important. Private & Personal. No. 626-S. Your private and personal telegram of 22nd June, No. 60-C. I quite agree that there is no point in calling your legislature together until after Working Committee meeting is over and Rajagopalachari has returned, and there may indeed be some advantage in giving people a few days to digest the conclusions of the Working Committee. I think however that it would suit perfectly well if you were to summon them for a date towards the end of the week commencing Monday, July 12th.

2. I quite agree that no assurances or conventions such as you refer to could be given to or agreed with Rajagopalachari.

3. I shall be ready formally to approve issue of Proclamation under Section 93 if situation makes that necessary. But in the light of consultation with Secretary of State and Parliamentary Counsel, certain further modifications will be necessary in draft B. Copies of the correspondence are going to Boag tomorrow; but I hope that we shall have reached finality as to the terms of the Proclamation by the end of the first week in July.

4. Above was drafted before receipt of your telegram No. 61-C. of 24th June. It goes without saying of course that, if Rajagopalachari accepts your suggestion of a further talk, it would not be possible to go beyond my Message or to give him any undertaking or the like outside terms of that Message. Secretary of State for your own information telegraphs that Stanley's observation about meeting Congress half-way was unauthorised and that no significance attaches to it.

33I

Erskine to Linlithgow on Rajagopalachari's Comments on Viceroy's Statement

Linlithgow Papers

26 June 1937

MY DEAR LINLITHGOW,

I am really exasperated at the tone and contents of Rajagopalachari's last letter to me, the text of which I wired to you.

He had absolutely no excuse for making the vicious comments he did about your very friendly and conciliatory Statement.

But it seems probable from his letter that he was misled by Stanley's speech on the adjournment into thinking that some assurances and concessions were going to be given to Congress and, when he discovered that that was not so, he appears to have lost his temper.¹

I have asked him to come and see me and I hope he will do so, but I am bound to say that the comments of Congressmen in general down here are not at the moment at all encouraging.

I am not at all sure now that the Congress have ever really meant to take office, and they may have simply been playing the fool with us all for the past two months.

But at any rate your Statement has had the effect of getting all the Liberals, &c., on to our side. I know they do not count for much and have practically no following, but if they are not on our side, they can make a quite effective campaign in the Press.

It also seems that, if there is to be trouble, Congress will get no support from the official Labour Party in England, as the *Daily Herald* has played up splendidly, and we seem to have avoided the position in which the Opposition in Parliament could in any way back Congress up.

¹ That's what they do, and it's then that they do stupid things.—Linlithgow

It seems to me, as soon as the Working Committee have finished the meeting that is going to commence on July 5th, that we ought to face the issue and call the Legislatures, and I have already told you that I could call mine in the week beginning Monday, July 12th.

It may be that Congress will wish to procrastinate still further, and they could do that by refusing to come to a definite decision until they had called a meeting of the All-India Congress Committee.

This would delay matters for another month at least, and it would be well into August before that body would have finished its deliberations.

If they do play this game, I rather doubt myself whether it will be worth while accommodating them any further. And it may well be that the best policy for us to pursue will be to call the Legislatures in the middle of July and face the issue at once. I am inclined to think that the country is sick of the two months' palaver and most people would welcome a decision one way or the other as soon as possible.

On the other hand, there is the argument that we should on no account rush Congress and that, as we have given them so much time already, there will not be much harm in prolonging the agony for another month. But personally I incline to the first alternative and would wish to get this matter cleared up as soon as possible.¹

Yours very sincerely,
ERSKINE

¹ Call; swear, and elect Speaker: adjourn.—Linlithgow

332

Zetland to Linlithgow on Gandhi's Latest Formula (Extract)

Zetland Papers

28 June 1937

...3 Now I return for a space to the perennial topic! I was myself a little disturbed by Stanley's ¹ breezy geniality in his reply to Laobury, and I queried his observation about meeting the Congress half way when I read it in *Hansard* next morning. I had been through and approved a draft of what he proposed to say on the afternoon of the day on which he spoke. It contained no observation of the kind and it is obvious that it slipped out almost unawares. Rajagopalachari's letter to Erskine²

¹ See No. 306

² See No. 310

provides an illustration of the harm which can be done by a careless phrase at an inopportune moment, and it was, I fear, inevitable that taken in conjunction with the general feeling of expectation which was created by the knowledge that you were about to issue a message to India it should have excited hopes which have not been fulfilled. It would have been difficult to find an appropriate occasion here for a suitable gloss on Stanley's speech which would not have been liable to do more harm than good, and I think that the only thing is to let the matter rest.

If, as now seems possible, in the light of Rajagopalachari's letter to Erskine, the Working Committee of the Congress decline to take office on the ground that we have refused to go any distance to meet them on what they will represent as a comparatively small matter, we shall come in for a good deal of criticism over here and I shall be probably subjected to a good deal of pressure from the school of thought whose chief spokesmen are Lothian and Halifax. If it comes to action under section 93 of the Act, I think that I shall have to lay the matter before the Cabinet and I am not quite sure whether Edward Halifax's view, if supported by Sam Hoare, who will have the reputation of his Constitution much in mind, will not sway the neutrals, i.e. the vast majority who have little knowledge of the matter but are anxious to avoid trouble. Moreover, I am myself very conscious of the fact that we may be, indeed probably are, at a turning point which may possess immense possibilities for good and for ill according to the direction taken at the forking of the roads. If the decision is against cooperation, I am afraid, that the left wing will gain enormously in prestige and power, for I should except them to carry the bulk of the Congress with them when once the decision has been taken and the Rubicon has been crossed. On the other hand, if the decision is in favour of cooperation I should expect the gulf between us and the Nationalist India to diminish as the cooperators became absorbed in the problems of administration. And the question which forces itself upon my mind is this—if we remain rigid on the question of dismissal *versus* resignation and events take the turn which I have indicated in the first of the two alternatives which I have considered above, will history justify us? I am at least doubtful. Do not imagine that I wish to be dogmatic; I am merely thinking aloud so that you may know what is passing through my mind. Let me then continue the process by supposing that the olive branches that you and I have been holding out—without I admit conceding anything of substance!—are rejected; what is our next step? I am inclined to think that the psychological moment might have arrived for you to send for Gandhi on the ground that it was desirable that you should have an opportunity of satisfying yourself that he fully appreciated the gravity of the step which

Congress were taking in what would in effect be deciding on a declaration of War and of warning him that you would be obliged to take drastic action to deal with any fresh campaign of civil disobedience. It seems to me that in course of discussion with him you might be able to go some way towards meeting him on the lines which I suggested in my personal and private telegram No. 93 of June 15th.³ The outcome would probably depend upon how strong the desire of the right wing is to take office. I know that Brabourne and Erskine had recently expressed the view that they are not genuinely anxious to come to terms with us and any concession on our part only cause them to meet it with further demands. I am, however, by no means sure that they are right. I believe that there are poker players and genuine coöperators among them. Gandhi's latest formula, as I understand it, is that he would be satisfied if we agreed that the Governors should dismiss their Ministers only if the disagreement arose was of really first class importance, it might be possible for us to consider meeting them. But I fear it might be differently interpreted. I let Bhulabhai Desai know that I should be happy to see him if he felt so disposed. He declined; but he saw Stewart and I gather that Stewart gained the impression that what he meant by a serious disagreement was any disagreement in respect of which the Ministers chose to intimate to the Governor that in the event of their acting contrary to their advice they would find it impossible to continue working with him. This is, of course, a very different thing, since it would then be possible for the Ministers to compel the Governors to dismiss them at any time that it suited them to do. All of which illustrates the difficulties of devising any formula that can be regarded as watertight. You will receive the letter on the eve of the Congress decision and you will, I doubt not, have been doing some pretty hard thinking yourself...

³ Not printed

333

Birla to Findlater Stewart: Urges Government to be Ready with Some Formula to Help Congress Accept Office

L/PO/6/96(1)

28 June 1937

DEAR SIR FINDLATER,

Since we talked, I received a cable from Mr. C. Rajagopalachariar as follows:

"Unfortunately Viceroy did not invite Gandhiji to discuss before issuing statement refusing his final proposal" to which I replied as follows:

"Impression here that Gandhiji even if invited would not respond because of his declaration that he had no official status stop have found genuine desire here that Congress should accept office Viceroy's speech full of sympathy and sincerity break would prove very unfortunate yet I am pressing dismissal formula but authorities find difficult having to satisfy diverse elements please help keeping posted if necessary by cables".

Mr. Desai before he left met Lord Halifax and also Lord Lothian. He was rather impressed by his conversation with Lord Halifax. I was not surprised at this because personal touch goes a long way to remove misunderstanding. I too have written at great length to Gandhiji pressing the necessity of accepting the Viceroy's speech as meeting his point I hope he may agree but I am not so sure.

But what if the Congress decided that without the point of dismissal being met, it would not be worth their while to accept office? After all it must be recognised that while the Viceroy's speech is full of sincerity and earnestness, it does not meet Gandhiji's point. And as the point is very small, the more it is avoided, the more it would create distrust.

But I need not exaggerate my fears at this stage. In case however the Congress decides not to accept office without the point of dismissal being met, I hope you will again allow me to press my point. I request you earnestly to be ready with some formula. It will be disastrous if the Congress decided not to accept office. And I have no doubt that you can make them accept office. They are not demanding much and in meeting them, you would not be giving away anything. The demand is a psychological one and you must help.

With kindest regards,

Yours sincerely,
G.D. BIRLA

334

Secretary of State to Viceroy on Desai and Birla Formulae vis-a-vis Congress Demand

L/PO/6/96(1)

28 June 1937

Private and Personal. At Birla's invitation Stewart dined with him and Bhulabhai Desai a few days ago. You may be interested to know the line they were taking in regard to your statement.

Desai was returning almost immediately to India for the meeting of the Working Committee. Bajpai, who saw him just after your statement, got the impression that it had had some effect on him. But in his conversation with Stewart, Desai was back at the original position of Congress. He did not contemplate the Governor ever overruling his Ministers except in circumstances in which relations of confidence between Governor and Ministry had become seriously undermined and a break was inevitable. The illustration that he used was interesting. He said that if the Governor believed that the Congress Ministry were undermining the effectiveness of the Police, in the interests of future Congress plans, he would be entitled to intervene in such a matter as the transfer of a Police officer which he thought to be a case of victimisation, and the intervention would take the form of dismissing the Ministry.

Turning now to Birla, the following is a formula which he had prepared:

"In case of a serious disagreement between the Governor and his Minister, even though the dispute pertained to the field of the special responsibilities of the Governor, the Minister and the Governor will first through discussion try their best to come to an agreement, but if they ultimately fail to do so and it becomes necessary for the Governor to discard the advice of his Minister, he will intimate to the latter in writing that he cannot accept his advice in this particular matter even though the Minister has to resign over it. The Minister in such circumstances will treat the Governor's intimation as tantamount to asking for his resignation".

Except for the last sentence which, of course, would not do, it seems to indicate a much more accommodating frame of mind than Desai's, and Birla's attitude in general was that of a man much more anxious for peace and much more alive to the reasonableness of Government's case. The formula he said was his own; but Stewart got the impression that he had been in close contact with Gandhi before he left India. Avowedly he

was taking as his starting point Gandhi's statement of 3rd June which purported to narrow matters in dispute. But when Stewart pointed out that Birla and Desai seemed to hold different views, Birla said that his formula did not differ essentially from what Desai had been saying. Thereupon Desai said that the only difference was that he was more candid.

The explanation may lie in an ambiguity in the words "serious disagreement" in Birla's formula. All of us I suppose would mean by them a disagreement about a matter which is intrinsically very important; but though this cannot easily be inferred from the context, Birla may mean by them any disagreement which does not yield to the processes of negotiation and entails in the end a use of the Governor's powers. I mention this because it shows the danger of formulae in which there is any possibility of different interpretations.

Stewart of course gave nothing away but strongly pressed the importance to them of your statement.

It is of importance to know whether the uncompromising position taken up by Desai in the conversation with Stewart represents the real view of Congress.

335

*L.S. Wilcock to Laithwaite on Confidential Profile of
Maulvi Latifur Rahman, Minister of Orissa*

Linlithgow Papers

GOVT. HOUSE, PURI,
29 June 1937

No. 239-S.G.C.

[PRIVATE & CONFIDENTIAL]

MY DEAR LAITHWAITE,

With reference to your demi-official No. 337-G.G., dated the 23rd¹ June 1937, I send herewith a confidential note on Maulvi Latifur Rahman prepared by His Excellency the Governor for the information of His Excellency the Governor-General.

Similar information will be sent on the occasion of future changes in the Ministry and also in the case of Speakers and Deputy Speakers of the Orissa Assembly.

Yours sincerely,
J.S. WILCOCK

¹ See No. 318

[ENCLOSURE TO THE ABOVE LETTER.]

NOTE

The Hon'ble Minister Maulvi Latifur Rahman is the son of a retired ranger in the Forest Service (a "ranger" is the highest non-gazetted post in the Forest Service, corresponding roughly to an Inspector of Police). His father is now a "sarbarakar" in Khurda Government Estate in Puri district, a quasi-hereditary officer who collects rents on a liberal commission and holds lands on service tenure, and in that capacity has something of the status of a "headman" of the villages with which he is concerned. Mr. Rahman himself, before he was chosen and summoned as a Minister, was practising as a pleader in Puri, making a moderate livelihood. He has four brothers, of whom one is a Sub-Registrar, another a Sub-Inspector of Police, a third a subordinate officer of the Co-operative Department, while the youngest assists his father in looking after the family lands, yielding an income of about Rs. 1,200 a year. The family was converted to Islam fairly recently and thus, while it maintains a close contact with Oriya culture, does not derive from the Afghan or Moghul traditions the prestige, which still lingers on among the older Moslem families of Orissa, in spite of the recession of successive waves of Moslem influence. The Hon'ble Minister himself is a well-mannered youngish man with "progressive" ideas. He is learning not to commit himself on first impressions. He owes his appointment to the fact that, alone among the four successful candidates for Moslem seats, he had definitely adhered to the political party (Nationalist) led by the Maharaja of Parlakimedi.

336

Khaliq-uz-zaman's Appeal to Nehru to Prevent League from Falling into the Hands of Communal Reactionaries in U.P. Assembly (Extract)

AICC Papers, F. No. G61/1937

29 June 1937

Thanks for your letter.¹ It is so kind of you to have pointed out to me the objectionable nature of some of the leaflets that have been issued under my signatures alongwith others. I hope you will not find it difficult to believe when I say that I neither know the contents of any one

¹ Nehru's letter of 27 June, in which Nehru referred to the Bundelkhand bye-election when a statement was issued, signed by six or seven persons including Khaliq-uz-Zaman supporting the Muslim League candidate.

of them, nor the dates of their issue. I cannot, however, disown, my responsibility as the Secretary of the League Board for anything that is done in its name. I shall not, in future, allow my name to be associated to anything which has not been approved by me. I frankly tell you that the whole affair is so distasteful to me that I have refused to go to the constituency.

I think, however, that the fight in this constituency is only a side issue to the main question. The problem of religious minorities has been difficult of solution in every country, but in our own country it is distinctly more so because of the existence of a powerful third party. After 20 years of service to the Congress in my own humble way, when I associated myself with the League I did it with the express intention of rooting out the baneful influence of the Muslim reactionary group which was successfully resisting the growth of patriotism among the Muslims by raising communal issues meant more to help their own cause and the British Imperialism than to advance the Muslim cause. In this effort, I had not only to sacrifice my energy and money but also my profession. I took care, at every step, to avoid conflict with the Congress, and expected fullest possible support from it, thinking that though the method of fighting the reactionary forces was indirect, it was all the same calculated to raise the standard of political thought in the Muslim community generally. In my fight within the League I succeeded to a great measure, but my success was soon converted into a defeat when I found that I had failed to convince the Congress of the utility of this indirect method of dealing with the Muslim question. My position in consequence of this has become simply pitiable. Having sought election on the League ticket, I feel I am in honour bound to stand by it so long as I have not made up my mind to throw away that ticket and seek re-election. Apart from my own personal question, it is a matter which concerns many other friends and co-workers, who find themselves in this predicament. Besides this, I cannot help feeling that the policy of direct approach to the Muslim voter will only tend to stiffen the back of the opposition, and give a longer lease of life to the reactionaries. Already I find that there is not only more life and bustle in the reactionary camp but the work of organisation is also being taken seriously in hand, as would appear from the reports in the press. Though the Congress and the League have existed, as separate organisations, for a long time, still never before there was such a keen rivalry between them for association with the Muslim masses. The conclusion to which I am driven is that there is a fundamental difference between the nature of the activity within and without the legislature. So long as the Congress stoutly refused to enter the legislatures, or consider the possibility of acceptance of offices, there was neither the desire nor the necessary impetus to the League to offer any organised opposition with the

Congress activities, but in the present programme of the Congress it is felt that there is a possibility of the Congress accepting offices and becoming itself the Government of the province for all practical purposes. There is nothing wrong in the acceptance of offices by the Congress if it is considered to be to the benefit of the country, but it is certain that, there being no political parties worth the name, the opposition, if any, will only come from the minority groups, particularly in provinces where the majority group is very strong. Every party would, in these circumstances, covet every seat in the legislature and the fight will necessarily be bitter.

I have frankly and honestly given you my own estimate of things, but unfortunately I am not today in a position to offer any advice on these problems. The question with which I am more concerned these days is a personal one. I am torn between two loyalties. I have not yet been able to find a solution, but even if I could discover one that would not solve the bigger question. In fact, my fears are that the issues may become more confounded. I have often dispassionately thought of the League without me, but I could never believe that it would in that event be in any way poorer for the League. In fact, I know that there is an under-current running which aims at the severance of my connection with that body to enable the opposite group to have a clear hand in shaping its policy.

Therefore, I look up to you, both as the Head of a mighty organisation and the leader of thought in India, to find out some solution for this problem. With the influence that you command in both the communities and your personal charm, you can yet stem the tide and save the province from becoming an armed camp. I know you have in your possession opinions of other Muslims also to the contrary, but still I venture to claim that my views do deserve consideration at your hands.

Recently, both Rafi and Mohan Lal had a long talk with me about the position of the League members in case the Congress decided to accept offices. I have made the same offer to them as I made to you when we met last. They wanted to know from me as to what would happen if the League party refused to accept my lead. I have told them that in that event the League party would certainly go against the declared policy of the Parliamentary Board, as contained in its manifesto, and I will have no hesitation in fighting another election on that issue, though I am confident that I shall be able to carry the party with me on this matter. Lastly, I wish to assure you that my regard and devotion to you is as great as ever. It is only irony of fate and coincidence of event that I am debarred from actively associating myself with some of the activities which are so dear to you. I hope events will so shape themselves soon that I shall be allowed to pursue my line of thought and action more freely. ...

337

*Viceroy to Secretary of State: Reiterates Position
Taken in His Statement*

L/PO/6/96(1)

30 June 1937

Private and personal. Your private and personal telegram dated June 28th, 1937.¹ I am much interested in Stewart's account of his conversations.² So far as Birla is concerned I have always been disposed to think him sincerely anxious to reach agreement, though that view is not universally held. But I doubt very much indeed whether, for all his good intentions, his influence with Gandhi is anything like what he imagines, or would wish, or that he is fully in Gandhi's confidence; and experience I have had of conversation with him, either directly or indirectly, during the last 12 months leads me to conclude that he is well meaning but that it would be a great mistake to build much on him.

2. It is impossible to judge until the Working Cttee. meets what line they are likely to take on this matter generally. But I confess to feeling greater pessimism as to the probability of them coming in and a recent communication from Rajendra Prasad, seen in censorship by Hallett, took much the same line as Desai. *For myself I should regard any attempt at framing an agreed formula as quite certain to lead to endless trouble and to be regarded by non-Congress public here, and minorities in particular, with dismay.* I am therefore most strongly averse from moving in any way from the position taken in my message which, I think, we should regard as the last word. The position is quite straightforward and Congress know now perfectly well that if they want to take office they must be prepared to accept the special responsibilities and arrangements indicated in my message for dealing with the differences between a Governor and his Ministers and that we cannot make any concession, whether as regards minor or major issues. We have done everything in our power to remove any genuine misunderstandings. If, in these circumstances, Congress decide against office acceptance we have then no choice but, however reluctantly, to fall back on section 93; and I do not myself think that anything is to be gained by holding out any hope whatever of any modification of our attitude.

3. As Erskine is seeing Rajagopalachari to-day I have repeated your telegram to him and asked him, so far as possible, to probe Rajagopalachari's mind on this question.

¹ See No. 332

² See No. 334

338

Viceroy to Secretary of State: Wishing His Draft Statement to Stand Unmodified

L/PO/6/96(1)

30 June 1937

652-S

Private and personal. My private and personal telegram No. 648-S June 30th. Following is Erskine's report of his conversation with Rajagopalachari.

Private and personal. I saw Rajagopalachari this morning. Though friendly, interview from our point of view was certainly unsatisfactory. He seems now to lean towards the Desai as against the Birla definition of the word serious as defined in your telegram 646-S of June 30th. Whole trend of my conversation with him showed that any real attempt to define the word serious would result in endless difficulties. He pressed for a definite convention in regard to dismissal or resignation of ministers and when I told him that it would be highly unlikely, in the event of my asking him to form ministry, that I should be able to agree to any convention of the sort he replied that in that case it was also highly unlikely that he would be able to take office.

I may say that I read him out the second paragraph of my telegram to you, 51-C, June 11th,¹ to see if he agreed with the account I had sent you of my last conversation with him. In this respect he said he did not recollect making the statement "he also said that if he, as minister, were to think a matter serious and I, as Governor, did not take that view, he would not expect me to dismiss him but that he would resign." I am myself certain that he did say this, for I noted it particularly at the time, but, as the remark was made in general conversation and may well have been forgotten by him, I do not in any way impute bad faith. But the fact that he disagreed with this sentence seems to me to show that the real meaning of Congress demand is that they would consider as "serious" any difference in which the Governor insisted on using his special powers against the advice of Ministers.

He raised point about Stanley saying we would meet Congress half way but I told him that it was probable that Stanley's remark referred to conciliatory tone of the Viceroy's coming statement and the subject then dropped.

You may also like to know that he withdrew all the ruder remarks about your statement that he had made in his letter to me, *vide* my telegram No. 61-C, 24th June.

¹ See No. 303.

339

Brabourne to Linlithgow on Futility of Meeting Kher

Linlithgow Papers

30 June 1937

MY DEAR LINLITHGOW,

I have been giving much thought, during the last few days, to the question of whether I should see Kher between now and the meeting at Wardha next week, and I have come to the conclusion that to do so could do little, if any, good and might easily do harm.

I got one of my "agents" in the Congress camp to sound Kher about coming to see me, and it is quite clear that he would only come on a more or less formal invitation from me—which invitation it would, of course, be quite impossible to keep secret.

My present Ministry is working hard at trying to gather support from among the "wobblers" in the Congress camp, and my Chief Minister feels very strongly that, were I to see Kher at the present moment and were this to leak out, it would entirely destroy any chances they may have of winning over a few so-called Congressmen. I am still of the opinion that my Ministry is doomed anyhow, but I think that it would be very wrong of me to take any action which would neutralise the very praiseworthy efforts which they are making.

What finally decided me against making any effort to see Kher is the opinion I formed of him when I saw him at the end of March, an opinion which is borne out by all those who know him well. He is, as I think I have told you before, an absolutely fanatical follower of Gandhi's. He is the type of man who would gladly go to gaol for 20 years tomorrow if he thought that by doing so he would be helping his "cause".

Another of my "go-betweens" with Congress (a European, in whose judgment I have great faith) has just confirmed to me that he does not think an interview at the present moment could lead to anything. He describes Kher as "a mere mouthpiece with no soul or mind of his own".

In view of the above I have decided to make no further move until after Wardha, but if from a wider, strategical point of view you think it would be in any way helpful were I to see Kher, I can get it arranged at very short notice on receipt of a telegram from you.

Yours ever,
BRABOURNE

340

Nehru to Khaliq-uz-Zaman on Congress Stand on Communal Problems

U.P. Government Special Branch Records

ALLAHABAD

1 July 1937

MY DEAR KHALIQ,

I have your letter of the 29th.¹ I have read it carefully and it seems to me that there is a great difference between what you say in this letter and what you told me when we met. It is difficult to discuss this matter properly in a letter and therefore I do not propose to do so. It is obvious that the problem of a minority, religious or otherwise, is always a difficult one and we must apply ourselves to its solution. But behind this minority problem there is yet another—the conflict between the progressive elements and the reactionary elements. The line of action that has appealed to you in the past and seems to appeal to you now is to associate yourself with the communal and reactionary elements in order to make them more progressive and less communal. This may be in theory occasionally a possible policy but all our past experience in India has shown that it ends in one thing—the absorption of the progressive in the reactionary group. It astonishes me to survey this process going on during the last dozen years or so. Today it has arrived at its culminating point and the attitude of Muslim League is more intensely communal than I could have conceived possible for any organisation. I have no doubt that you were not responsible for the working of the various notices and leaflets that have been issued in Bundelkhand. But the fact remains that some of them are issued above your name. That is the pity of it. Today in the eyes of the public you must inevitably stand for the extreme limit of communalism and political reaction. I know you do not feel that way but circumstances have forced you to act in that way.

You are perfectly right in saying that there is more life and bustle in the reactionary camp than there has been in the past. Is that not inevitable when a doomed policy tries to protect itself by all means, fair or foul? And in this attempt to protect itself it has to stoop to highly undesirable methods because it cannot meet the other party in the field of argument. These are always the signs of the fading away of a group which has ceased to have any meaning in real politics.

The identical process has taken place in the political field with the growth of the national movement in India. The reactionaries have joined

¹ See No. 336

hands and tried to form a joint front between themselves and British imperialism. Are we then to give up our national movement or to tone it down because reactionaries get frightened and organised?

The Bundelkhand election has a certain temporary value but, after all, it is a small affair and will pass. The Muslim League has perfect right to put up a candidate to represent its policy. It is not that I object to it but the astounding notices that are coming show the depths to which the League has fallen. Even Jinnah has no other argument left in a political contest but to appeal in the name of Allah and the Holy Koran. A community, majority or minority which adopts such tactics is in a poor way. Fortunately there are many Muslims who do not adopt these tactics and they will serve their community as well as the larger cause far better. I am rather glad that this Bundelkhand election has thrown this flashlight on the real conflict. That conflict has nothing to do with the minority questions but is a political conflict. On the one side there is progressive thought in action and every desire to solve the minority problem fairly and in cooperation with those concerned. On the other there is sheer communalism, religious bigotry and political reaction. When such clear conflicts occur, people, have to choose definitely on which side of the barricade they will be. They cannot remain in the manger. So far as the world is concerned you seem to have chosen the side of reaction and communalism. If I am grieved at this am I to blame?

From day to day our fight continues and while people talk of offices and the ministries, our young men—Hindu and Muslim—go to prison. The world hovers at the brink of catastrophe and the Muslim League, under its brave leadership, talks in terms of four hundred years ago.

Is the League a democratic organisation or is it not just a close preserve of certain individuals? Why should I accept it as the representative of the Muslims of India when I know it represents the handful of Muslims at the top who deliberately seek refuge in the name of religion to avoid discussing mass problems? I have a certain measure of intelligence and I have studied political, economic and allied problems. Am I to insult my intelligence by talking baby-talk of an age gone by? You know what has happened in the Muslim countries of the West, in Turkey and Iran and Egypt and Palestine and Syria. You know also what Muslims there think of communalism and all its work. Do you not see that this communal policy which the Muslim League here has fathered is a policy more injurious to the Muslims of India than anything that a majority could do would be? It is a doomed policy both from the point of view of the community and the larger world, but unhappily people get wrapped up in little things, in the affairs of the moment, and do not see whither the world is going. It is quite possible that the Muslim League may win a few elections, may rouse up some of the Muslim masses in the name of

Islam and the Koran. But is that the way to build up the strength of the Muslim minority in the country or to make it play an effective part in the shaping of India's destiny?

I have given more thought to this problem in India than to any other. I know that it is a difficult problem just as every real problem in life is difficult. I shall do my utmost to help in its solution with the goodwill of all parties concerned. You know me well enough. I hope you realise that personal prestige and the like do not come in my way much. But I cannot have dealings with political reaction, because that means a surrender of all my principles and a divorce from the realities of the situation.

Is it not a strange thing that in this conflict men like Wazir Hasan and Maulana Hussain Ahmad should be ranged on the progressive side and that you should be on the side of the reactionaries? It is not a question of associating yourself with my views or all my activities. Wazir Hasan has not done so. Far from it. But there should be a certain integrity about our politics in public life and if we ally ourselves with those who have not got this integrity, inevitably we suffer from this alliance.

I am quite sure that I have your affection and good wishes as you have mine. I also feel that at the back of your mind you must largely agree with me. And yet fate has so worked that you are working with and helping people against your own wishes and conviction and thus aiding the cause of reaction and bigotry in India.

Indu will be going back to Europe in September. I am going to Wardha today. I shall come back to Allahabad, from Wardha, about the 8th or the 9th.

Yours affectionately,
JAWAHARLAL NEHRU

34I

Indian Civil Liberties Union Bombay on Repressive Action Taken by Government

AICC Papers, F. No. G-62/1937

1 July 1937

Sedition: Maulana Husein Ahmed, member of the Working Committee of the Jamiat-Ul-Ulema, Hind, has been served with a notice by the Chief Commissioner under the Emergency Powers Act directing him not to enter Delhi for six months without previous permission. He

appears to have exhorted Muslims at the Fatehpuri Mosque meeting to join the Congress. District Magistrate, Malabar, has served a notice on Yusuf Meherally under Sec. 144 prohibiting him from addressing any public meeting in those Talukas where Muslim population is large. Charge of Sedition has been framed against Dagaram Beri for an alleged speech at a meeting in Cornwallis Square, Calcutta, during the National Week. Sajjad Zahir, Secretary, Allahabad Town Congress Committee and a member of the Central Executive of the All-India Socialist Party has been arrested at Mussorie in connection with a speech delivered at Unnao Kisan (Peasant) Conference. Lahore High Court has ordered the re-trial, of the case against Sodhi Pindidas and Ujjagar Singh, Socialists who were sentenced to 24 and 9 months' imprisonment respectively in connection with speeches at the Socialist Conference at Shiman Kalan. Pandit Luxminarayan Mishra, President, Sambalpur District Congress Committee, has been asked by the District Magistrate of Puri to show cause why he should not be bound over under Sec. 108 C.P.C. for an alleged seditious speech at the Puri District Political Conference. Babu Kamal Nath Thakur of Dudhpura, an internee under Public Safety Act, Bihar, was arrested for attending the District Political Conference at Purnas. B. Shivalingaprasad, Congress Socialist and Joint Secretary, Andhra Provincial Youth League, is asked to show cause why he should not be bound over for good behaviour under Sec. 108 C.P.C. for making alleged seditious speeches at Kottapatam. Proceedings under Sec. 107 C.P.C. has been started against Sisir Roy, Secretary, Trade Union Bureau of Bengal Labour Party and eleven other members of the Executive Committee of the Dock Workers Union. D.M.R. Choudhary and R.C. Maity were given 4 months' rigorous imprisonment for having in their possession objectionable books calculated to encourage terrorist movement under Sec. 35 of the Bengal Suppression of Terrorist Outrages Act. Maulana Habibur Rehman, President, Anjuman Ahrar-i-Hind, was served with a notice on May 26 by the Deputy Commissioner, restraining him from entering Dera Ismail Khan District for two months. Stationary Sub-Magistrate, Bhimavaram, issued an order on June 23 under Sec. 144 prohibiting the celebration of the birthday of the late Alluri Sitaramaraju on the ground that he was "an arch rebel".

Police: Dr. Gopichand Bhargava, Leader of the Opposition Punjab Assembly, complained on the floor of the Assembly of his movement being constantly watched and shadowed by the C.I.D. Secretary, Shahabad District Congress Committee, has complained to the District Superintendent of Police of alleged police interference with legitimate Congress activities in Navanagar and Ramgarh thanas. It is alleged that

Police Constables and village officials frequently disturb public meetings, dissuade people from enrolling as Congress members and shadow Congress workers. Congress Socialist Party reports of unnecessary frequent harassment of the party members by the Punjab police. Sardar Kabul Singh M.L.A. it seems, was told by the Superintendent of Hoshiarpur jail that Mr. Singh could not interview one of the under-trial prisoners because Sardar's name is on the "Black List". It is news to us that an official "Black List" is circulated for the information and guidance of Government servants.

Detenus: The application of Ram Kishan of Blorillian village to the Bengal Government either to withdraw the extenrment order against him or to recontinue his monthly allowance has been rejected. A similar application sent by Ganesh Prasad Varma whose pathetic plight we cited in one of our previous Communiques (Apl. 16) has also been rejected by the Chief Minister, Bihar. Bombay Government have refused to withdraw in toto or relax in certain respects the restrictions imposed on S.V. Deshpande who has been interned in Bhingar for the last 2 years.

House Search: The house of two students in Lucknow were searched by the police on June 14. It is reported that the police recovered some prohibited literature. The two students are under arrest. The house of Lal Chand Hitaishi was searched on June 25 for prescribed literature.

Press: A Security of Rs. 400/- deposited by the "Siyasat" an Urdu daily of Lahore, was forfeited on June 19 for criticising the Punjab Government and making personal aspersions on the Punjab Chief Minister. Recently a similar amount deposited by "Siyasat" was forfeited for an article, it is alleged, attacking the head of the province. A security of Rs. 2000/- deposited by "Kirti", Amritsar, the only Socialist Weekly in the Punjab, has been forfeited. The Punjab Government has already confiscated Rs. 3000/- belonging to Kirti Control Board. The ground for alleged forfeiture was the publication of three articles and one cartoon, one of which, it is alleged, criticised an Indian State so as to contravene the Princes Protection Act. A security of Rs. 1000/- has been demanded by the District Magistrate, Poona, from "Yugantar" a socialist weekly of Ahmednagar. A security of Rs. 5000/- has been demanded from the publisher of the "Vedic Magazine", Jallundar City for publishing an article objectionable under Sec. 4(1) of the Press Act. Bihar Government has forfeited Rs. 250/- out of Rs. 1000/- deposited as security by "Navashakti" a Patna weekly, for an article publishing on June 5 on the recent order of the Government introducing Urdu script in Courts in certain divisions of Bihar. A security of Rs. 1000/- has been demanded

by the District Magistrate of Cawnpore from "Udaya" a daily of Cawnpore for publishing a poem "Hunkar" (Roar). The district Magistrate, Coimbatore, has demanded an advance security of Rs. 1000/- from E.V. Krishnaswamy Naicker for starting a Tamil weekly Journal called "Viduthalai"

Criminal Tribes Act: This Act has been found to be very serviceable to cripple political and labour activities. The District Magistrate, Noakhali has ordered Syed Ahmed Khan, M.L.A., Bengal, to register as a member of the Criminal Tribes on the report of the Sub-Divisional Officer. M. N. Das, and registered member of a Criminal Tribe, is sentenced to undergo a year's rigorous imprisonment for being found outside his jurisdiction.

Bhopal State: The Mahakoshal Provincial Political Conference held at Piparia strongly condemned the Bhopal State for preventing the State subjects from crossing State borders and attending the Conference.

Bikaner: Mahatma Gandhi's book "Hind Swaraj" is prohibited entry into the State. The intellectual sterility of the State is witnessed by the fact that the only secular magazine "Pushkarendu" had to cease publicity as the Editor was asked to give an undertaking that he would not treat of political subjects.

Mysore State: The City Magistrate, Bangalore, issued surprise orders to be in force for 6 months under Sec. 45 of the Mysore police Regulation, informing the public that the conduct of all assemblies and processions in or near a street anywhere within the limits of Bangalore City shall be regulated and controlled by license granted by him. The City has no political activities of any importance since the observance of the Independence Day (Jan. 26). Hoskote Madhav Sastri, leading Congress worker, Bangalore, was arrested on June 17 under Sec. 124 I.P.C. for a speech in connection with election campaign of the Mysore State Congress Parliamentary Board at Basettipet.

Nizam's State: R. Thiljapurker, President of the Vidyarthi Sangh in Aurangabad District is under arrest at Partur where he had gone to attend the Hyderabad State Maharashtra Conference for contravening the externment order passed on him by the Nizam's Government sometime back.

342

Linlithgow to Zetland on Question of Office Acceptance (Extract)

Zetland papers

1 July 1937

I have had no letter for which to thank you this week and we have indeed been in such close telegraphic contact in the last few days, that there is comparatively little to say. I am telegraphing you today commenting on Rajagopalachari's attitude as disclosed in the conversation with Erskine¹ and on the position generally in the light both of that conversation with and of Desai's remarks at Bombay. I confess in the light of them, and of other indications, to a feeling of pessimism which I trust may not be justified; because it begins to look to me rather as though, for whatever reason, Congress were unlikely to accept office. We can at any rate face the resulting situation with a clear conscience, for we have left nothing undone to smooth the way for them or to dissipate any misunderstandings that there may be; and we are driven back to the position that the Act is there and that is the governing instrument, and that no arrangement for compromises are possible which are inconsistent with its terms. Nor do I in any way veer from previous view that an arrangement with Congress which could be represented, however unreasonably, as being at the expense of the minorities to the extent that it involved any restriction or convention in regard to the use of the safeguards would have most unhappy reaction in that area of the field. You are well aware of my reaction which any arrangement which would in any way appear to constitute a qualification or modification of the provisions of the Statute would be likely to have on the prospects of federation. Fortunately, we have had time to make our preparations, and if we are now against our will driven into a situation in which the only method of governing Provinces is under the provisions of the breakdown clause, we shall have thought out our policy well in advance, and we shall have armed ourselves with such weapons as may be necessary to deal with any attempts at disorder in a situation which none of us ever wished to contemplate. And I am very clear, and I am sure you will share my view, that if and when the situation comes, it must be dealt with in the most resolute manner.

The conversation between Birla, Desai and Stewart was of great interest to me.² As I said in commenting on it, I have always myself

¹ See No. 328

² See No. 334

regarded Birla as well-meaning and as anxious to do what he could do to bring about an understanding. But I do not think he really carries much weight with Gandhi (for whom he has, of course, an immense admiration) as he imagines and in any event, as you so well know from your experience of this country, the number of would be intermediaries, few if any of whom are in a position to deliver the goods, who spring up when there is any situation of substantial difficulty and importance is endless. Desai, while in many ways attractive, is not, I am given to understand, a person on whom I weigh heavily; and it does not wholly surprise me that he should for tactical reasons, have taken the extreme view with Stewart as well as on his arrival at Bombay. But the keenness of his appreciations of the direction in which the wind is likely to blow is of significance on both occasions. I need not say that I agree entirely with you as to the objections to formulas which, as you said in the House, admit of conveying one thing to party and one to another. It is not that way that salvation lies. And the different constructions placed by Desai and Birla on the same words in the formula put forward by Birla well illustrate the pitfalls that beset the path of anyone who tries to do business on the basis of this generally worded formula. It was precisely because I foresaw the difficulties which might arise over the interpretation of the Mahatma's phrase "serious disagreement"—that I endeavoured in my Message to make beyond any question the degree of "seriousness" which I myself would regard as being covered by that phrase.

We are faced now with a situation which cannot be solved either by friendly general conversation between myself and any political leader, however eminent, or by ingeniously worded phrases, in so far as there is a fundamental difference of opinion and attitude which has to be resolved one way or the other. And so far as we are concerned our attitude has been and must, as I see it, continue to be that no progress is possible save on the basis of the Act. One of the most despiriting feature of the situation to my mind is the entire lack of personalities of any importance whatever in the provinces. A provincial leader such as Pant does not venture to take a line of his own, because he has the fear of Nehru constantly present to him; yet Pant is a giant among provincial leaders. The rank and file, who are, so far as I can judge, to a substantial extent most anxious to take office, and the small fry in the Provincial parties will not venture to say a word in public which might bring them in conflict with the Working Committee. It is sparsity of individuals ready to face responsibility of backing their own judgement and taking a line of their own in a matter of vital concern to their constituents and to their Provinces which more than anything else inspires me with doubt as to the prospects of our being able successfully to run a democratic system in the country. From that criticism I must

342

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¹ See No. 328

² See No. 334

regarded Birla as well-meaning and as anxious to do what he could do to bring about an understanding. But I do not think he really carries much weight with Gandhi (for whom he has, of course, an immense admiration) as he imagines and in any event, as you so well know from your experience of this country, the number of would be intermediaries, few if any of whom are in a position to deliver the goods, who spring up when there is any situation of substantial difficulty and importance is endless. Desai, while in many ways attractive, is not, I am given to understand, a person on whom I weigh heavily: and it does not wholly surprise me that he should for tactical reasons, have taken the extreme view with Stewart as well as on his arrival at Bombay. But the keenness of his appreciations of the direction in which the wind is likely to blow is of significance on both occasions. I need not say that I agree entirely with you as to the objections to formulas which, as you said in the House, admit of conveying one thing to party and one to another. It is not that way that salvation lies. And the different constructions placed by Desai and Birla on the same words in the formula put forward by Birla well illustrate the pitfalls that beset the path of anyone who tries to do business on the basis of this generally worded formula. It was precisely because I foresaw the difficulties which might arise over the interpretation of the Mahatma's phrase "serious disagreement"—that I endeavoured in my Message to make beyond any question the degree of "seriousness" which I myself would regard as being covered by that phrase.

We are faced now with a situation which cannot be solved either by friendly general conversation between myself and any political leader, however eminent, or by ingeniously worded phrases, in so far as there is a fundamental difference of opinion and attitude which has to be resolved one way or the other. And so far as we are concerned our attitude has been and must, as I see it, continue to be that no progress is possible save on the basis of the Act. One of the most despiriting feature of the situation to my mind is the entire lack of personalities of any importance whatever in the provinces. A provincial leader such as Pant does not venture to take a line of his own, because he has the fear of Nehru constantly present to him; yet Pant is a giant among provincial leaders. The rank and file, who are, so far as I can judge, to a substantial extent most anxious to take office, and the small fry in the Provincial parties will not venture to say a word in public which might bring them in conflict with the Working Committee. It is sparsity of individuals ready to face responsibility of backing their own judgement and taking a line of their own in a matter of vital concern to their constituents and to their Provinces which more than anything else inspires me with doubt as to the prospects of our being able successfully to run a democratic system in the country. From that criticism I must

except to some extent the Muhammadan Provinces. Sikandar is doing admirably in the Punjab. I have heard of no special difficulty in Sind, Assam or the North-West Frontier Provinces, and not a little to my surprise, Fazul Haq is contriving to drive his somewhat ingeniously composed team with considerable success in the conditions of Bengal on the basis of Hindu-Muslim combination. My criticism are primarily directed to the so-called "Congress Provinces". I had some talk with Gokul Chand Narang at a Garden Party which Emerson gave a few days ago to the members of the Punjab Assembly when this very matter came up, and it appeared to me that he fully realized the danger of a situation which would arise if the Act was being worked either by Muhammadans or in the Congress Provinces by Muhammadan leaders like Yunus in Bihar, while Hindu India stood aside and handed over the control of its destinies to leaders of a different community and religious outlook. That is an aspect of non-co-operation which I would judge likely to attract greater attention as time goes on....

343

Jinnah's Denial of Nehru's Charge

The Bombay Chronicle, 2 July 1937

Mr. Mohammad Ali Jinnah, the President of All India Muslim League issued the following statement:

My attention has been drawn to the statement issued by Pandit Jawaharlal Nehru from Allahabad dated 30 June to the effect that I have issued an appeal addressed to the voters of Jhansi-Jalaun-Hamirpur Muslim Rural Constituency where a bye-election is taking place for the Provincial Legislative Assembly. I have issued no statement of any kind whatever upto the present moment; nor have I seen the content of the alleged statement which is attributed to me. I maintain what I have often said that the All-India Muslim League is a political organisation and we stand by the policy and programme and basic principles enunciated by the All-India Muslim League.

CHARGES AGAINST CONGRESS

Pandit Jawaharlal Nehru says "that every person is entitled to preach and advocate the policy and programme of his party". But may I point out to him that a large body of Congressmen and a section of Congress press instead of placing before the public the policy and programme of

the Congress and attacking and criticising the policy and the programme of the Muslim League are resorting to misrepresentation and vilification of the Muslim League and all those who are connected with it by giving out slogans and catch-words such as that the Muslim League and all those connected with it stand for the allies of the British imperialistic power, that they are against national freedom and that they are all toadies and flunkies. I am personally attacked in a large section of the press and it is made out that I am the greatest enemy of India, a rank communalist, that I stand unmasked in my true colours and that I am making a bid for leadership of the Musalmans.

SERIOUS CONSEQUENCES

Is this the way of explaining to the people the policy and programme of the Congress? Is this how the Congress propose to establish mass contact with Muslim? In my opinion this policy of mass contact with Musalmans by Congress is fraught with very serious consequences. There is plenty of scope for Pandit Jawaharlal Nehru to improve his own people, the Hindus, as there is a lot of undersirable elements amongst them. Similarly the Muslim League should do the same thing as there are plenty of undesirable elements among the Muslamans.

Coming back to the question of personal attack I shall give an instance. No less a person than the Secretary of the Indian National Congress gave an interview to the press. The interview is crooked, disingenuous and totally untrue. Mr. Kripalani in his statement dated May 19 said "Mr. Jinnah's fourteen points (One would have thought they were exhausted) having been granted by the foreign Government and guaranteed by the Congress, unless Musalmans relinquished them voluntarily, may we ask what more is needed?"

I ask Pandit Jawaharlal Nehru if it is true that the Congress has guaranteed the fourteen points of the Muslims.

CHARGES AGAINST KRIPALANI

Mr. Kripalani referred to my Bombay speech of May 21, in which I said that in 1935 I spent four or five weeks holding conferences with Babu Rajendra Prasad, the then President of the Indian National Congress, trying to get the Muslim point of view accepted at least by the Congress Leaders, if not by Hindu Mahasabhaites. But I did not succeed. With reference to this speech I am accused that I have a short memory and in support of this accusation the Congress Secretary relied on a press message as his authority. Surely a man who has risen to the position of the Secretary of the Indian National Congress ought to know better than rely on press reports. The statement which I made in my speech is absolutely true and I repeat it.

At times it is very difficult to say who are Congress leaders and who are Mahasabha leaders, for the line of demarcation between the two with regard to a large number of them is very thin indeed.

Neither Babu Rajendra Prasad nor I had any authority to come to a binding agreement, as the talks were naturally subject to confirmation by the Congress and the Muslim League. Babu Rajendra tried to ascertain the concensus of opinion among Congress and Hindu Mahasabha leaders regarding the formula, which he himself had approved but it was found that not only the Hindu Mahasabha leaders rejected it out of hands but even a certain section of influential Congress leaders were deadly opposed to the formula, which therefore, had to be dropped, as it was useless to proceed further.

344

Nehru's Statement on Non-fulfilment of Assurance to Bengal Jute Mill Strikers¹
Amrita Bazar Patrika, 3 July 1937

It will be remembered that two months ago the jute industry in Bengal was convulsed by a gigantic strike of jute workers. The strike developed till it involved two hundred thousand men and Government of Bengal tried in various ways to suppress the strikers. There was firing and orders under the criminal procedure code to prevent entry of labour leaders into strike areas. Still the strike grew for many workers carried on with it inspite of much suffering. There was great public sympathy for the strikers, for their demands were reasonable and it was notorious that their working and living conditions were thoroughly bad while enormous dividends had been paid by the industry in the past. Ultimately in May last the strike was called off on assurances being given by Bengal Ministers that relief would be given.

I understand that nothing has been done so far to give relief and the sufferings of the workers continue. There is continuous ferment among them and it is right that the public should support them now as before and insist on the promises made to them being kept. Hundreds of thousands of poor workers are involved and we may not ignore their appeal for help.

¹ The statement to the press was issued at Allahabad on 1 July 1937

345

M.N. Roy to Gandhi Urging Congress to Accept Office

Independent India, 4 July 1937

MY DEAR GANDHIJI,

The Working Committee will have to make a fateful decision in its ensuing session. Its members are fully conscious of the seriousness of their responsibility and their judgement will be the result of careful consideration of the various aspects of the point at issue. Their burden will be lightened if advice and suggestions from others are placed at their disposal. They themselves are sure to be only too eager to have such cooperation from competent persons. The Congress is a democratic organisation. Its constitution makes ample room for initiative on the part of ordinary members and local committees. Unfortunately this democratic right is not properly and effectively exercised. That throws the entire burden of responsibility on the Working Committee. A great majority of the members of Provincial and District Congress Committees today are in favour of accepting office some because of the belief that the Congress would be strengthened by whatever little the Ministers could do for the welfare of the people, others because they think that thereby the struggle against imperialism can be developed without running the risk of an immediate clash. It is also clear that the majority of the Working Committee favours acceptance of office for one or other of the above reasons. It would be easier for the Working Committee to shoulder the great responsibility of making a momentous decision, if the Provincial and District Committees expressed their opinion previously. But this is not done on the plea that the hands of the Working Committee should not (be) bound. I, for one, do not approve of this attitude of political passivity. But what can a individual Congressman do in the given situation? The non-committal attitude on the part of local committees throttles their voice. Individually raised, it commands little attention and is erroneously condemned or deprecated as sign of indiscipline and lack of confidence in the leaders. Having a definite opinion and believing that expression of opinion on outstanding problems is rather helpful than disrespectful for the leaders, I have made no secret of it. Now I am taking the liberty of addressing you, because I know as well as every body that the Working Committee will be guided by your advice.

I am decidedly of the opinion that no useful purpose would be served by working the new constitution even if the assurance demanded by you

were formally given. It is an illusion that Congress Ministers would be able to do anything for the real welfare of the people. That is simply because the new constitution does not confer any effective power on the representatives of the people. I need not argue the point. Any measure for popular welfare even such as free primary education or public health would be opposed on the pretext of financial difficulty. Where are the ministers going to find the money except through new taxation? And their powers of levying taxes is very limited. Therefore accepting office with the purpose of doing any constructive work will discredit the Congress in the eyes of the masses, instead of enhancing its prestige.

The alternative course, however, is not non-acceptance. That in my opinion, will be equally discrediting and dangerous. It is discrediting to shirk responsibility. In the six provinces where Congressmen are in the majority, they should accept office on their own right derived from the vote of the electorate. The governors have nothing to say about that. Having occupied their rightful place, Congressmen will act according to the programme and resolutions of the Congress. Certainly the Governors cannot be expected to assure that they would not intervene when Congress ministers should act in the only way open to them. Therefore no more assurance of non-interference with "constitutional activities" of the Ministers that implied in the constitution itself, can ever be had. The avowed policy of the Congress being to wreck the new constitution the activities of Congressmen in office can never be so innocuous as always to win the approbation of the governors. A formal assurance of non-interference may be had only in return for the undertaking that Congressmen in office would not act according to the programme and resolutions of the Congress. That is the final offer of Lord Zetland. No Congressman can ever accept it. Therefore insistence on some formal assurance, except on the terms of imperialism, is bound to lead to non-acceptance to the obvious danger of a premature clash.

346

Nehru's Statement on Jinnah's Grievances¹

The Bombay Chronicle, 5 July 1937

Mr. Jinnah has denied² having issued any statement to the Jhansi-Jalaun-Hamirpur Muslim voters such as I referred to. I am glad to have his denial. But the *Khilafat* newspaper gives prominence to such a state-

¹ The statement was issued at Wardha on 3 July 1937.

² See No. 343

ment and various other newspapers have published English translations of it. I understand that this statement with Mr. Jinnah's name attached to it is being distributed in Bundelkhand. I would suggest that Mr. Jinnah might find out who is responsible for this misuse of his name and should dissociate himself from the statement in question.

Mr. Jinnah complains of misrepresentation of the Muslim League and of himself by many Congressmen and by the Congress press. May I point out to him that there is no such thing as the Congress press in the sense that the Congress owns or controls a newspaper? But if there is any misrepresentation on the part of anyone I am sorry for it and I shall gladly help in removing it if he will point out what and where it is.

To call the Muslim League politically reactionary is a matter of opinion and Mr. Jinnah cannot grudge us the liberty of holding to that opinion. It may be that our standards are different, but surely Mr. Jinnah will not deny that many prominent members of the League have quite a remarkable record of reactionary political activity and of alliance with British imperialism against the Indian freedom movement.

Mr. Jinnah has again told us that the Congress policy of mass contact with Mussalmans is fraught with very serious consequences. Why the endeavour of a political organisation to enrol members should have such dire consequences I do not know. Surely that is the first function of every organisation, and as I have said previously, I think, I would welcome the Muslim League enrolling members for its own programme and policy. Apparently it does not believe in enrolling members or in any kind of mass contacts. The objection, therefore, is to mass contacts as such and not so much to the Congress having them. May I point out to Mr. Jinnah again that this is no new policy for the Congress? During the last seventeen years there has been no period when the Muslim membership of the Congress has not been counted by thousands and tens of thousands. We do not keep separate communal records of members; for us a Muslim or a Hindu member stands on the same footing. But if Mr. Jinnah desires to compare the Congress Muslim membership with the membership of the Muslim League I can have the necessary statistics gathered together. I imagine he will find that the number of Muslim members of the Congress is enormously greater than the total membership of the Muslim League.

I am advised by Mr. Jinnah to improve my own people, the Hindus. Not being religiously or communally inclined, I venture to think of my people as the Indian people as a whole and I act on the political and economic plane. I seldom think, unless I am forced to, of the religious persuasions of people. In my Congress work I have to deal from day to day with colleagues and comrades who are Hindus and Muslims, Sikhs and Christians, both Catholic and Protestant, Buddhists and Jews, and others who attach no religious label to themselves. May I also add that I

hold on the masses. The agriculturist, it is argued, thinks in terms of economic relief and all the abstruse dogmas of Independence and Swaraj are of no value to him. It is pointed out that though the electorate is still behind the Congress, the people have begun to question the wisdom of the course adopted by the Congress. It is essential, therefore that the Congress should do something to implement the promises contained in the Election Manifesto and to give effect to the Faizpur Resolution."

It has to be noted, however, that although the resolution was passed unanimously, only 11 out of the 20 members of the Committee took the trouble to attend the meeting.

6. I have just received the following account of what has happened at Wardha up to last night:—

"J.L. Nehru, A.K. Azad and J.L. Bajaj arrived on the 2nd and met Mr. Gandhi at Shegaon the same night. They remained closeted with him for a considerable time and again next day. On both days J.L. Nehru had lengthy private talks with Mr. Gandhi. It has been learnt from a reliable source that J.L. Nehru remained obdurate throughout the discussions and showed no sign of agreeing to office acceptance. He even threatened to resign from the Presidentship of the Congress if a resolution supporting it was passed. Mr. Gandhi explained that he, personally, was not, and never was, in favour of office acceptance nor of Council entry, but the present situation made it necessary to consider the ever-growing popular demand. Mr. Gandhi was of opinion that acceptance of office would not make any appreciable difference as far as the fulfilment of election promises was concerned, because of the citations of the new Constitution, but refusal was likely to be detrimental to Congress' prestige. He did not consider that His Excellency the Viceroy's announcement satisfied the Congress demand for assurances and was thinking it a new formula which would make the acceptance of office possible without undoing their main objective or sacrificing the country honour. Mr. Gandhi seemed particularly anxious to prevent the suspension of the constitution.

7. Despite these arguments Nehru refused to be convinced and was determined to refer the matter to the All-India Congress Committee for decision. Bhulabhai Desai and Vallabhbhai Patel have arrived at Wardha, but have not yet joined in discussions. Desai's opinion is likely to carry considerable weight. The feeling of the inner circle at Wardha can best be judged by the opinion expressed by Mahadev Desai, who is reported to have said that office acceptance was foregone conclusion and that rejection was bound to create split in the Working Committee itself. Another significant remark was made by Rajagopalachari (in a letter to G.D. Birla), to the effect that it would be 'Criminal' not to accept office. The letter was shown to Mr. Gandhi, who was offended at the expression used by Rajagopalachari."

8. After still more weary hours of talking the Working Committee will probably reach some sort of a decision tomorrow. If this is in favour of office acceptance, it will almost certainly have to go before the All-India Congress Committee, which would probably be summoned about the 20th. There is an idea that Gandhi is evolving yet another formula—something to do with an assurance not to interfere with the Congress programme in which case we shall be back again where we were before we started, so to speak.

9. Meanwhile the local political pot continues to boil, and Khare and Awadesh to bombard one another with letters. The dispute was referred to Nehru, who told the disputants firmly but politely that their quarrels were unedifying and unbecoming, and that the Province must settle them for itself. He added to his letter a note which, though somewhat long, is a model of clear bold dignified expression, laying down the principles which Congressmen would follow in such circumstances. There is no doubt that Khare's continual tactlessness is steadily weakening his position. Since the day when I first knew him, he has always reminded me of a loquacious and irrepressible stock-in-the-box.

10. I intend to take a definite decision as to the date for summoning the assembly after tomorrow's meeting of the Council of Ministers, but it is practically certain that it will be July the 30th. This will be a preliminary meeting; the date of the second meeting must wait upon events. Though the odds are of course against the Ministry, it is by no means certain that it will fall. In paragraph 10 of my last report I indicated how things might possibly go, and the following two passages are on the same line. One is from a note by Rao. "About 9 or 10 members of the Assembly are completely dissatisfied with Khare's leadership, and might resile, headed by Ram Rao Deshmukh, sooner or later. I understand Dr. Khare is willing to take a Muslim and has offered to take Sharif (ex-Minister) as Minister. The Mahakoshal group, although dissatisfied with their lot, are expected to keep together for some time." The other is from a letter from Stent (Commissioner, Nagpur). "Mr. Kolhe of Yeotmal, when visiting Wardha about 10 days ago, remarked that the responsivist members of the Assembly from Berar, including himself and Ram Rao Deshmukh, have been completely ignored by the Congress Party, which would not offer them any office if a Congress Ministry were formed. These members appear to be dissatisfied with their position. If office is again to be refused, I do not believe it would be impossible to form a constitutional party with a clear majority of those members of the Assembly who joined the Congress only for election purposes. The responsivists of Berar and some of the depressed classes might, I think, in that event be won over to join the constitutional party."

11. It is difficult to say exactly how much progress the Muslim mass contact committee has made. My C.I.O. reports that in Berar (the only part of the Province in which Muslims are at all numerous) it is meeting with some success. It has been promised the support of several young Muslims, and a scheme is now on foot for the Berar and Nagpur Committees to pool their resources. On the other hand, the Secretary of the Berar Muslim League has issued a statement to the press warning Muhammadans against the suicidal consequences of joining the Congress. So far the only Muhammadan of note who has walked into the Congress parlour is Sharif, who is known to be in a bad way financially and would give his ears to become a Minister again.

12. The following extracts from the Comissioners' letters are interesting:—

Binney (Berar). "Several visitors have expressed the opinion that the Message has so clarified the constitutional position that the Congress is now in a very awkward position. If they take office, most people consider it certain that they will lose influence owing to their inability to fulfil their promises to the electorate. If they do not take office, they will not now be able to escape blame for the consequences of their decision."

Trivedi (Chhattisgarh). "I gather that the Congress leaders in this division are not at all keen on a civil disobedience campaign. They fear that the response from the public to 'direct action' will not be good, and they themselves are not prepared to suffer."

Greenfield (Jubbulpore). "It is most remarkable how little effect the Congress demand for the reduction of rents and revenue has had on actual collection—practically none. Whether from this it should be deduced that the Congress hold on the electorate is unsubstantial I am not prepared to say; but certainly it is not permanent or unshakeable."

13. Greenfield goes on to tell a story which I make no excuse for repeating, because it is desirable that everyone should realise exactly what sort of people we have to deal with. "The most interesting event of the fortnight has been the discovery of a Muslim girl alleged to have been abducted by D.P. Mishra. The allegation that his motor driver was offered money to get her for Mishra and then disappeared with her for that purpose now appears to be true. As the girl is not a Hindu, she will not easily be suppressed. Two Jubbulpore Doctors refused to certify that she was over 15 years of age, so that the case is almost certain to go to a criminal court. This should engage Mishra's attention for some months to come and may affect his political career. (He is a Mahakoshal leader and prospective Minister, whom I have mentioned frequently.—H.G.) Govind Das may also have been implicated, as the girl appears at one time to have been kept in his house, and it is suggested that she was about to be sent to Bombay to a film company in which he is interested. Both Govind Das and Mishra have so long combined sexual aberration with successful careers in politics that unless either goes to jail, the

interruption will only be temporary". In a previous letter I spoke of this pair as "an unsavoury couple". I did not expect to find my words corroborated so soon.

14. As requested in your personal and confidential letter of June the 23rd, I give below a brief account of Rao, my Chief Minister and Minister in charge of Law and Order. He has had a curious history. He started his public career in 1916, when he became President of the Municipal Committee, Bilaspur, and Secretary of the District Council. In 1922 he became Chairman of the District Council, and held these two offices until he was appointed Education Minister in 1927. He joined the Congress in 1920, and next year was elected President of the Mahakoshal Provincial Congress Committee. In 1924, as leader of the Congress Party in the Legislative Council, he threw out the budget and got a resolution of no confidence carried against the Ministry of Chitnavis and Hifazat Ali. Then followed the period when the Province had no Ministers. In 1926 he formed the Independent Congress Party to fight the elections of that year, and early in the following year he accepted the post of Education Minister, a post which he held until Sir Montagu Butler made him Home Member in October 1930.

15. As President of the Municipal Committee and Chairman of the District Council, Bilaspur, Rao was a difficult person to deal with. He had various quarrels with Government officers, and generally speaking up to 1926 he was a thorn in the side of Government. Much of this was due to the fact that he is sensitive and touchy by nature, and needs tactful handling which he did not always receive. He is, however, a well-read and thoughtful man, and with the passing of youth's exuberance and the coming of serious public responsibility he changed completely. As Home Member nobody could have been more solicitous for the maintenance of law and order than he was, nor could the Police have had a better friend and advocate. In the Amraoti Jail affair of 1932, the history of which is known to the Government of India, he took up a courageous line which might have seriously injured his popularity with his own countrymen; and as Acting Governor last year the soundness of his views on Police administration and other matters attracted the personal notice of the Secretary of State. I attach a note¹ on revenue re-settlements which he has written recently. It might have been written by the late Revenue Member himself. The inevitable differences of opinion have occurred, of course, as to the need or wisdom of particular prosecutions, but Rao has shown no weakness in the matter, and generally speaking it may be said that his attitude towards questions of public security has been unexceptionable, and that his dealings with all branches of the Police have been beyond criticism.

Yours sincerely,
HYDE GOWAN

¹ Not printed

349

*Gandhi's Speech at Working Committee, Wardha, on Congress Stand Regarding
Office Acceptance (Extract)*

The Hindu, 7 July 1937

It is stated that at the outset Mahatmaji referred to the misgivings entertained by a not inconsiderable section of the Congressmen that his other Press statements issued prior to that in connection with the constitutional deadlock had, in effect, tended to whittle down the stand so far taken by the Congress. By a thorough analysis of his several statements Mahatmaji was able to satisfy the members of the Committee that they were simply meant to clarify the Congress position, which was being constantly misunderstood and misinterpreted by high officials here and in England.

Mahatmaji then explained to the Committee the alternative course of action open to them in the circumstances confronting the Congress at present. It is understood Gandhiji made no secret of the fact that he had not found in Lord Linlithgow's message the assurance which he had in mind when he inserted the assurance clause in the A.I.C.C. resolution at Delhi. With the Governor's special powers of interference thus left intact, Gandhiji apprehended that frictions were very likely to occur, sooner rather than later, as it would prove difficult to prevent the overlapping of the sphere of the Governor's special powers and the normal field of activities of Ministers. Accordingly, the fear was expressed that, despite the wishes sincerely expressed by Lord Zetland and Lord Linlithgow, the new Constitution might not in actual practice be worked for long by the Congress Ministers in furtherance of the Congress objective.

Without committing himself to any definite opinion Mahatmaji is stated to have admitted that there was some force in the argument of those who maintained that the Congress should utilize the office of ministerships in the six majority Provinces with a view to generating strength in the masses of the country so that, when the final breakdown of the Constitution came—as it was bound to come—this newly developed mass strength and enthusiasm may be harnessed to good account, should the Congress find it necessary to launch upon any mass movement in the future.

In conclusion, Gandhiji is reported to have expressed himself as being in complete agreement with Mr. Jawaharlal Nehru's opinion that there must be no lowering of the Congress flag whether the Congress representatives are in office or out of it.

350

*Cunningham to Laithwaite on the Impact of Congress Decision to Accept Office
in N.W.F.P. (Extract)*

Linlithgow Papers

GOVERNMENT HOUSE,
10 July 1937

It is too early yet to estimate the effect in this Province of the decision of Congress to accept office. The general impression for some time has been that Dr. Khan Sahib would ask Congress to permit him to accept office as a special case, even if the decision at Wardha went the other way; the verdict of the Working Committee had therefore been discounted to a certain extent by Congress sympathisers here. Dr. Khan Sahib will now presumably be here to show his hand, and disclose the actual strength of his following; the Congress group itself numbers 19, but it is now certain, I think, to gain other adherents—probably enough to make a majority coalition.

2. I had a long talk with Sir Abdul Qaiyum, Chief Minister, yesterday regarding the position of his Ministry. He was pessimistic and said that he now saw little chance of the Ministry surviving the coming budget session in September. Three of his Hindu following, he said, were wavering, and the four Muslim Members composing the so-called Democratic Party were slipping further into Congress hands. He said that he thought the majority of people in the Province would be quite glad to see a change from his Ministry to a Congress Government; it would be welcomed even by many of the Indian officials, who, he feared, were becoming pro-Congress in their feelings, and also by a number of the Khans, who are so split by factions that they would readily enlist the help of a Congress Government against their rivals. Sir Abdul Qaiyum said that he was seriously thinking of offering his resignation now, but before doing so he was proposing to bring his opponents to the test by writing to the leaders of the Congress, Independent and Democratic Parties, and saying that they had consistently condemned his Ministry and asking what alternative they had to substitute for it.

I pointed out to him that a challenge of this sort would mean the inevitable end of his own party, who would at once make up their minds that the battle was lost and go over to Congress. I advised him not to make any move until he was quite convinced that he had irrevocably lost his majority. He agreed that he had better wait until he could make a final estimate of his real following. A further conversation which I had

today with Rai Bahadur Mehr Chand, Finance Minister, confirmed the Chief Minister's rather gloomy forecast, though I believe there is still a hope of their retrieving some of those who have deserted them.

3. Sir Abdul Qaiyum was also very gloomy about the danger of possible disturbances in this Province, as a result of recent Congress propaganda. He said that the general atmosphere reminded him very much of the situation in 1929 and 1930, just before the Red Shirt troubles came to a head. My own opinion is that a good deal of Sir Abdul Qaiyum's pessimism as to the general situation is due to the fact that he feels his own Ministry is losing ground. He has been subjected to a campaign of very trying propaganda, much of it maliciously false. The appointment of Abdul Qaiyum, Barrister, Member of the Central Assembly and Dr. Khan Sahib's chief spokesman, as correspondent of the pro-Congress "United Press" has facilitated this propaganda. On the other hand, an "anti-Ministry day" on July 2nd was not a success. Two rather lukewarm meetings were held at Peshawar, and a meeting at Abbottabad had to be adjourned as a failure because the speakers were heckled and there was no hope of passing the desired resolutions.

351

Rajendra Prasad's Rejoinder to Jinnah Regarding his formula on Communal Settlement

AICC Papers, F. No. G-65/1937

11 July 1937

I have read Mr. Jinnah's statement of July 3. In the conversations which I had with Mr. Jinnah in 1935 we were able to evolve a formula. I accepted it not only in my personal capacity, but as the President of the Congress and offered to have it ratified by the Congress. I was keeping in touch with prominent Congressmen while the conversations were going on and had received universal support for it from them. There were several members of the Congress Working Committee at Delhi at the time and they were in full agreement with me. There was absolutely no difference among Congressmen and I was successful in obtaining the support of the leaders of the Hindu Mahasabha of the Punjab also. But Mr. Jinnah insisted on having the signature of Pandit Madan Mohan Malaviya and other leaders of the Hindu Mahasabha. This I was unable to secure and the matter had to be dropped. It was not dropped because Congressmen were not agreeable, but because those leaders of the Hindu

Mahasabha on whose signature Mr. Jinnah insisted were not agreeable. It is not correct to say even that a certain section of influential Congress leaders was deadly opposed to the formula which, therefore, had to be dropped.

I had gone further and told Mr. Jinnah that the Congress and the League should accept the formula and the Congress would fight those Hindus who were opposed to it as it had fought them during the recent Assembly elections quite successfully in most of the provinces. But this was not considered enough by Mr. Jinnah and as it was impossible to fulfil his demand that the Hindu Mahasabha should also join the matter had to be dropped. I dare say that Mr. Jinnah will himself recall all this conversation if he charges his memory a little. I kept full notes of the conversations from day to day and they are in the Congress office.

352

Linlithgow to Erskine on the Need for Tackling Congress Ministries Tactfully

Linlithgow Papers

VICEREGAL LODGE, SIMLA,

13 July 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR ERSKINE,

Many thanks for your letter of 6th July enclosing your Twelfth Report. The situation has now of course materially changed consequent on the Congress decision to accept office. I think we are both agreed that it is extremely satisfactory to have taken this fence successfully, and while I have no doubt whatever that we are likely to be faced with many difficult problems in the months before us, one cannot but feel that our moral position is immensely strengthened by the fact that as you said in a recent telegram Congress have so entirely and unconditionally accepted our point of view.

2. The point you have raised with me about the release of prisoners is a good illustration of the type of problem which is likely to come up. Before this letter reaches you I hope to have telegraphed, and I will not go into any detail on the matter now, save to say that I think it well, since the issue is one of general importance, to make sure that the Secretary of State shares my view, and that I have therefore telegraphed to consult him. I feel myself, and I am sure you will agree with me, that

in dealing with these Congress Ministries particularly in the early days of their existence and before they have settled into the background and found their feet, the demand on the tact and firmness of Governors will be greater even than it has been hitherto, and that very much will depend on the handling of them. I cannot help feeling that you are in a very strong position in Madras, given your own friendly personal relations with Rajagopalachari; but even there I have no doubt that delicate issues may from time to time arise.

Yours sincerely,
LINLITHGOW

353

Nehru on Significance of the Congress' Resolution Regarding Office Acceptance

Times of India, 12 July 1937

Explaining the significance of the Congress Working Committee's resolution at Wardha, Pandit Jawaharlal Nehru says:—

For two or three years now the subject of office acceptance has roused fierce controversy in the country, and individuals and groups have debated it and clung stoutly to their respective views. Those views remain much the same, but what lay behind these views? Few, I suppose, objected to office acceptance on principle and even those who thought in terms of revolutionary changes did not consider that acceptance of office was inevitably and invariably a wrong step. They and many with them feared that acceptance involved the grave risk of our getting involved in petty reformist activities and forgetting for a while the main issue.

Acceptance of office may be a phase in our freedom struggle, but to end the constitution and have a constituent assembly is our main objective today, as it was yesterday. Acceptance of office does not mean by an iota the acceptance of the slave constitution. It means fight against the coming of federation by all means in our power inside and outside the legislatures.

We are not going to be partners and co-operators in the imperialist firm. The gulf between the British Empire and us cannot be bridged. Our viewpoints and objectives are utterly different. Thus it is not to work the constitution in a normal way that we go in the Assemblies or accept offices. It is to try to prevent federation from materialising and thereby to stultify the constitution and prepare the ground for a

constituent assembly and independence. It is further to strengthen the masses and, wherever possible in the narrow sphere of the constitution, to give some relief to them. Let this be borne in mind by every Congressman.

If we accept office we do so for a longer purpose in view, and we have to leave it when that purpose can be better served otherwise. We must not lose our sense of perspective. The real strength even for our work in the legislature, and much more so for struggles ahead, comes from outside.

354

Linlithgow to Governors on Organisation of Provincial Secretariates Under the New Constitution

Linlithgow Papers

VICEREGAL LODGE, SIMLA

12 July 1937

[CONFIDENTIAL]

I am causing to be sent officially to your Secretary a despatch (No. 4, Reforms, India, dated 5th June 1937) from the Secretary of State on the subject of the organisation of Provincial Secretariats under the new Constitution. The despatch is a very clear expression of the Secretary of State's views, and speaking for myself, I find myself in entire agreement with the conclusions reached in it, though I am conscious that, as the Secretary of State himself recognises, desirable as it is to avoid delay, an immediate reconstruction of the Provincial Secretariates may not be practicable.

2. Let me however take this opportunity to mention a directly connected issue which is in my judgement of considerable substance, and which I venture to mention only because the investigations which have now been proceeding for nearly a year into a corresponding problem in the Central Government have impressed me strongly with the somewhat disproportionate importance of a right solution of the problem. That impression has not been lessened by the conversations I have had from time to time with Ministers from various Provinces who have visited the Central Government for the purpose of inter-provincial conferences. I have been surprised by the extent to which Ministers have, entirely independently, raised with me the question of the

difficulties experienced by a non-official with little or no previous governmental or secretariat experience in dealing with files that come up to him for orders from departments, and by the closeness with which I have been cross-examined by them as to the methods adopted at home for taking the orders of Ministers on files submitted to them.

3. It is precisely this problem which will confront us in the Centre once Federation has been achieved. One is likely to have in an increasing degree as Federal Ministers gentlemen with little or no previous official experience. Those Ministers will be essentially politicians and in no sense officials. They will, in other words, in addition to dealing with their ministerial cases, have to nurse their constituencies, to justify the policy of their party on platforms throughout the country, to tour with a view to keeping in touch with areas of electoral importance, and finally to devote no inconsiderable time when the legislature is in session to their parliamentary duties. The demand upon the time at their disposal will thus be substantial; and they are likely to need the maximum of assistance which can be secured by any adaptation of the existing machinery of administration in grasping the issues involved, and passing orders on the questions put up to them.

4. With these considerations in view, I appointed not long ago a Committee of Secretaries to the Government of India, under the Chairmanship of the present Home Member, which investigated the matter as affecting the Central Government in close detail, and which has submitted recommendations which, broadly speaking appear to me well calculated to meet the need which will face us in the new conditions. You may care to see the extracts which I enclose from their report on this matter of Secretariat organisation. Broadly speaking, the Committee reached the conclusion that we in the Centre in dealing with Ministers under Federation should aim at sparing Ministers the necessity for reading through lengthy and occasionally somewhat diffuse minutes, the work of officers of the value of whose opinions they would, in the absence of greater personal knowledge, frequently be unable to judge, and that we should arrange to enable them to pass orders rapidly on a concise and dispassionate statement of the history of the case, of the issues raised, of the arguments on both sides, and of the specific points on which orders are called for. No question could of course for a moment arise of withholding any information from a Minister on the matters submitted for his orders. He must be at liberty, if he so desires, to read through the file and to examine the relevant papers from beginning to end, and it may well be that the summary submitted for his orders will suggest to him points which he may desire to see investigated further, or will lead him to examine certain of the original papers himself before reaching his conclusion. If however the department of the Central Government concerned can submit a case for orders on the basis of an

objective summary such as I have referred to above, the existence of the summary ought in the majority of cases to dispense a Minister from the necessity of a detailed investigation or of a lengthy reading of notes, and I feel little doubt myself that an arrangement of this character will be very welcome to Federal Ministers in the future. It is very much on these lines that business tends to be disposed of by Ministers at home, and the system there, the result of long experience, has been found to work well.

5. I feel no doubt that the same problem as we have had to face in the Centre is likely to confront the Governors of Provinces under the new system, and I hope therefore that this brief explanation of the steps which are being taken to deal with it in the Centre in advance of Federation may be of some interest and possibly of some assistance to you. I need not say that if I can in any way help further by amplifying the information contained above and in the extracts which I enclose from the Maxwell Report, I shall be only too glad to do so.

Yours—,
LINLITHGOW

355

Zetland to Linlithgow on Making a Final Effort with Congress on Acceptance of Office (Extract)

L/PO/6/100

12 July 1937

2. Now let me say a word or two in further explanation of what I said in paragraph 3 of my letter of June the 28th¹, since I gather from your telegram 2 UX of July the 7th² that you must have read into it more than it was intended to convey. It is now of little more than academic interest since it was written on the supposition that Congress decided against the acceptance of office; but I should hate to leave you under the impression that I was prepared even to contemplate a set of circumstances which would make your position impossible. It was, indeed, to guard against any such possibility that I did my thinking aloud, for it seemed to me to be important that you should be *au fait* with the possible trend of events at this end as well as at your own end of the line. It was because the then

¹ See no. 334

² Not printed

Secretary of State did not keep the Viceroy fully informed of opinion in the conservative party here that there was so nearly serious trouble in Edward Halifax's day. Not the least of my duties to you, then, is to keep you fully informed of the trend of opinion here. And I feel pretty certain that if the Congress had come out against the acceptance of office there would have been a strong feeling expressed in the Cabinet that a final effort should be made to reason with them *before* a decision to fall back on section 93 was taken. I think that the suggestion would have been made that the question of dismissal versus resignation was not good enough on which to break, for Edward had argued this matter with me on more than one occasion during the past few days; and though I thought that I might persuade the Cabinet that there was a great deal more in the phrase than appeared on the surface I did not by any means feel certain that I should succeed in doing so. Hence my thinking aloud on that particular aspect of the case. Very well, then, my next thought was this—supposing that the Cabinet take this line, is there any course which I can suggest that you might take which while conceding nothing material to the Congress would satisfy the Cabinet that no stone had been left unturned by us in an endeavour to avoid a final and irretrievable break? It was in pursuance of this thought that I threw out the suggestion that the psychological moment might have come for you to send for Gandhi for the purpose of talking to him on the lines which I sketched. You had yourself said at an earlier date that the time might come when you might consider it desirable to send for him and there was nothing very novel, therefore, in this suggestion. Neither did I suggest that you should climb down in any way over the dismissal versus resignation question. On the contrary, if you will refer again to my telegram No. 93 of June the 15th to which I referred you on this subject, you will see that I said specifically that I was not proposing that we should make any move in the direction of meeting the demand. All that I put forward was the possible advantage of our giving a further explanation of the way in which the constitution would work in so far as this particular matter was concerned.

I am, therefore, a little at a loss to know why you were so greatly disturbed by what I said, was it because I said that I was myself at least doubtful if history would justify us in allowing the Congress to go into the wilderness on the dismissal issue without making one final attempt to cry halt to them? Well, quite frankly in such circumstances I should have asked you to consider very carefully the advisability of sending for the old man and talking to him on the lines which I suggested; but if you had objected I should not have pressed you and if there had been any question of resignations—which there certainly would not have been—I should cheerfully have gone with you! So much for that. When I start

thinking aloud on paper in future I will try to make it clear that the thoughts which I throw out are not decisions or instructions—I did say that I did not wish to be dogmatic—but merely invitations to you to match them with thoughts of your own so that we may draw conclusion from our joint efforts.

356

Memorandum by Secretary of State Circulated to Cabinet on Decision of Congress to Accept Office

Cabinet Papers, No. 24/270

INDIA OFFICE
12th July, 1937

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA.

On 7th July, after prolonged discussion, the Working Committee of the Indian National Congress—the inner controlling “Cabinet” of that body—passed a resolution recommending that supporters of the Congress in the Provinces where that party had obtained a majority in the Legislatures should be “permitted to accept office where they may be invited thereto.” I attach to this memorandum the full text of the Working Committee’s resolution.

2. It is well known that, in spite of the general policy of “combating and endeavouring to bring to an end” the Act of 1935 with a view to the early achievement of independence consistently set out as the main purpose of the Congress, opinion in the Provinces has been strongly, and increasingly, in favour of acceptance of office, but that the President (Jawaharlal Nehru) in particular and those elements in the High Command which are at one with him have been equally strongly in favour of abstention, with a view to bringing about an immediate deadlock. Mr. Gandhi, though no longer a member of the Working Committee, has made his way once more to the centre of the stage and has undoubtedly exercised a predominant influence in the events of the past few months. Though his influence has on the whole been exerted in favour of the acceptance of office, there can be little doubt that his main motive has been a determination to manoeuvre the Congress through a critical period without an open split in its ranks.

3. It will be remembered that the first demand made by the Congress as the condition of acceptance of office in any Province was that the Governor should give a specific undertaking that in no circumstances

would he use his special powers for the purpose of setting aside his Ministers' advice in regard to their constitutional activities—in other words, that he would conduct himself forthwith as a “constitutional Governor.” The Governors had no option but to refuse to give the assurance demanded and the Congress representative whom each of the Governors had invited to form a Ministry had no option, under the instructions conveyed to him by the Working Committee, but to decline to do so.

4. With the situation as it then stood I dealt at some length in the House of Lords on 8th April. It was being impressed upon me by the Viceroy and the Governors that there was much apprehension amongst the Services, the Minorities, and even the Princes, lest the Government were about to make some concession in the matter of the reserve powers, and I found it necessary to adopt an attitude, so far as the special responsibilities of the Governors were concerned, which was characterised by Lord Snell, who admitted none the less the Justice of my conclusions, as one of unduly “stiff correctitude.” Lord Snell was, of course, unaware of the imminent risk of a landslide amongst the Services and the Minorities. Reports from the Governors showed that the statement had a steadying effect, and, having made it clear that the safeguards provided by the Act were not to be tampered with, I found it possible at a later stage, by means of answers to questions in the House of Commons and a further statement in the House of Lords on 6th May, to give a picture of the working of the Constitution which made it plain that there was no risk of the Governors interfering gratuitously in the day-to-day administration of their provinces, or indeed, of them treating their Ministers, from whatever party they might be drawn, as other than partners in a common enterprise. I received ample intimation that the more moderate elements in the Congress were satisfied with this explanation, and in particular that Mr. Rajagopalachari, the Congress leader in Madras, was willing to accept it as sufficient justification for assuming office.

5. The influence of the Left Wing, however, was still strong on the Working Committee, which a little earlier had put forward a new device for restricting, if not eliminating, the use of the Governors' special powers. Their position was expressed in the following terms on 29th April:—

“The Committee considers that the pronouncements on the policy the British Government by Lord Zetland and Mr. Butler are utterly inadequate to meet the requirements of Congress.... The past record of the British Government and its present attitude show that without the specific assurances as required by Congress a popular Ministry would be unable to function properly without irritating interference.

"The assurances do not contemplate the abrogation of the rights of a Governor to dismiss the Ministry or to dissolve the Provincial Assembly when serious differences of opinion arise between the Governor and his Ministers.

"But the Committee has a grave objection to the Ministers having to submit to interference by Governors with the alternative of themselves having to resign office instead of the Governors taking the responsibility of dismissing them."

The understanding now sought was that in cases of serious difference between the Governor and his Ministers, the Governor, if he came to the conclusion that he was unable to accept the advice tendered to him, was to hold himself bound to dismiss them. Mr. Gandhi was astute enough to create the impression that it was more a matter of form than of substance that was in dispute. But it was quite clear to the Viceroy and myself that there was a great deal more in the formula proposed than appeared upon the surface. It would be open to the Ministers, for example, to decide that any matter over which they determined to break was a serious matter and by so doing to force the Governor to dismiss them. And I have little doubt that the importance attaching to the formula in the eyes of some at least of those who were pressing it is to be found in the fact that they saw in it a means of disabling the Governor from bringing his reserve powers into play at all, while at the same time putting him in the position of appearing to be responsible for the rupture of relations with his Ministers, when in fact it was the Ministers who insisted on the relationship being terminated. To have placed the Governor in such a position would have been very unfair to him in relation to the Minorities and others whose interests he is required to protect; and it is significant that the Chief Minister in the Punjab, who is a Moslem, protested publicly and vigorously against the acceptance of the formula.

6. I have already stated that the Working Committee's resolution of 7th July was the outcome of prolonged discussion which ended, it seems clear, in an irreconcilable difference of opinion. The Governor-General, who in a message to the peoples of India on 22nd June had elaborated the explanation of the working of the Constitution previously given, himself informed me a few days before the decision was reached that he had no great expectation of a decision in the sense now taken. I conclude that the feeling in favour of office acceptance was sufficiently strongly voiced by the Provincial representatives, who were summoned to state their case to the Working Committee, to make it apparent that insistence by the Left Wing on refusal to accept office, or to make terms which were known to be unacceptable to the Government, would have involved a definite split in the Congress Party. Such a split may still

develop, but evidently the controlling minds in the Working Committee thought it essential to avoid it at this juncture.

7. The resolution of 7th July is, comparatively speaking, a straightforward and realistic production. It is at least as satisfactory from our point of view as anything that we were hoping for. The reference to the election manifesto of last August and its statement that the purpose of sending Congressmen to the Legislature would be "not to co-operate in any way with the Act, but to combat it and make an end of it" was only to be expected. This phrase is equivocal and was meant to cover more than one point of view. It does not necessarily imply any activity of an unconstitutional nature, and I am informed that when it was adopted attempts to commit the Congress definitely to "wrecking" the Act were successfully resisted. I do not disguise from myself the fact that Nehru certainly and quite possibly Gandhi also have in mind the renewal of mass civil disobedience at some stage and in some form. But I think that there is a reasonable expectation that once these Ministries are in the saddle and are faced with definite responsibilities, they will learn to resist attempts on the part of the Central caucus to keep them in leading strings and will refuse to accept dictation. At all events, I feel no doubt that we have grounds for satisfaction with this latest development, which at least guarantees some practical experience of the new Constitution in all the Provinces and may prove to be a turning point in the history of our dealings with Indian nationalism.

ZETLAND

Appendix

The Congress Resolution of 7th July 1937

The All-India Congress Committee at its meeting held at Delhi on 18th March passed a resolution affirming the basic Congress policy in regard to the new Constitution, laying down a programme to be followed inside and outside the Legislatures by Congress members in such Legislatures. It further directed that in pursuance of that policy permission should be given for Congressmen to accept office in the Provinces where the Congress Party was satisfied and could state publicly that the Governor would not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities.

In accordance with these directions the leaders of the Congress Party who were invited by the Governors to form Ministries asked for the necessary assurances. These not having been given, the leaders expressed their inability to undertake the formation of Ministries, but since the

meeting of the Working Committee on 28th April Lord Zetland, Secretary of State for India, Lord Stanley, Under Secretary of State for India, and the Viceroy, have made declarations on this issue on behalf of the British Government.

The Working Committee has carefully considered these declarations, and expresses the opinion that though they exhibit a desire to make an approach to the Congress demand they fall short of the assurances demanded in the terms of the All-India Congress Committee resolution as interpreted by the Working Committee in its resolution of 28th April. Again, the Working Committee is unable to subscribe to the doctrine of partnership propounded in some of the aforesaid declarations.

The proper description of the existing relationship between the British Government and the people of India is that of exploiter and exploited, and hence they have a different outlook upon almost everything of vital importance. The Committee feels, however, that the situation created as a result of circumstances and events that have since occurred warrants the belief that it would not be easy for the Governors to use their special powers.

The Committee has, moreover, considered the views of Congress members in the Legislatures and of Congressmen generally.

The Committee, therefore, has come to the conclusion, and is resolved, that Congressmen be permitted to accept office where they may be invited thereto, but it desires to make it clear that office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Congress election manifesto, and to further in every possible way the Congress policy of combating the new Act on the one hand and prosecuting a constructive programme on the other.

The Working Committee is confident that it has the support and backing of the All-India Congress Committee in this decision and that this resolution is in furtherance of the general policy laid down by Congress and the All-India Congress Committee. The Committee would have welcomed an opportunity for the direction of the All-India Congress Committee on this matter, but it is of opinion that delay in taking a decision at this stage would be injurious to the country's interests and would create confusion in the public mind at a time when prompt and decisive action is necessary.

357

*Lothian to Gandhi Congratulating Him on Decision of the Congress to
Follow the Constitutional Role*

Lothian Papers

13 July 1937

DEAR MR. GANDHI,

May I offer you my congratulation on the decision of Congress to follow the constitutional road. I feel that it has been a fateful decision but one which is in the fundamental interests of India and of a non-violent world. That does not mean that there will not be plenty of difficulties but after the discussions of the last few months I believe that it will be possible to solve these difficulties in the steady interest of India without conflict.

I am going to do my best to adopt your suggestion of paying a visit to India in the forthcoming cold weather and if so I hope you will allow me to come and have talk with you. There are a good many difficulties in the way, but I am hopeful of removing them. I will postpone discussing the matter you raised in the second paragraph of your letter until I have chance of talking to you. I will only say that I do not think that any of the colonists had arms in any organised sense at the beginning of the development towards self-government. In every case the military forces were supplied by Great Britain but these were gradually withdrawn mainly as pressure to use them elsewhere increased on Great Britain.

Yours sincerely,

LOTHIAN

358

*Nehru to Gandhi: Expresses Concern Over Communal
Propaganda in Sherwani's Election (Extract)*

AICC Papers, F. No. G-61/1937

13 July 1937

Sherwani's election is an uncertain affair. One thing can be said, that the majority either way is likely to be small. The electorate is 7500. Probably 5000 will vote and I imagine that the majority will be less than

500, probably much less. The major fact against us is a question of caste brotherhood. The Muslim League candidate is a Malkhan Rajput and 25 per cent of the total electorate consists of these Malkhan Rajputs. These people in a caste panchayat have decided to support the Muslim League candidate and they have even gone so far as to threaten with various pains and penalties those members of the brotherhood who vote against their candidate. These people are so frightened of this caste order that they dare not even come out of their houses to our meetings. They simply keep away. This is a solid block of votes and we have so far been unable to touch them.

Then of course there is the cry of Islam in danger and this is being exploited to the utter most by Shaukat Ali and some others. As a matter of fact we have had all the better of the argument and we have produced quite a galaxy of Muslim leaders including men like Maulana Husain Ahmad and other Ulemas to support Sherwani. The general feeling among the better class Muslims is entirely in favour of Sherwani. The peasantry as a rule is also in his favour except for the Malkhani Rajputs. The whole electorate is very backward, politically speaking. Whatever the result of the election it has been a great success from our point of view in awakening the Muslim masses there and large number of Muslims of the middle classes have volunteered for help to Sherwani. Students of Aligarh have come of their own accord to help him. Altogether the atmosphere created by this election not only in the constituency but in the U.P. generally is good. There is considerable resentment at the exploitation of religious and at the backwardness of the Muslim masses who can be misled in this way.

There are of course elements of trouble in the constituency in the sense that Shaukat Ali and others are always talking in terms of trouble. Shaukat Ali continually refers to a possible civil war. He has said that he will make a Spain of India and so on and so forth. His language sometimes is astonishingly vulgar. All this may delude some people. But it has produced the strong reaction among the thinking Muslims against him. Many people who were half hearted in their support of the Congress are now much stronger and more determined.

Yesterday at Orai I had a slightly unpleasant experience. As I was coming back in a car from Jalaun accompanied by Mahmud and two others suddenly a group of little boys hardly more than six or seven years of age, headed by two grownups with the Muslim League flags, tried to stop our car and then threw stones at it. A window-pane was broken, but no one was hurt. Such incidents, small in themselves, create excitement. However, I treated it lightly and I believe the excitement passed. Some of our Muslim colleagues there were very angry and wanted to demand police action. But I stopped this.

359

*Laithwaite to Croft Forwarding a Note by Ewart on the Background to
AICC Meeting at Wardha*

L/PO/6/100

VICEREGAL LODGE, SIMLA
12th July 1937

MY DEAR CROFT,

The Viceroy thinks that the Secretary of State may care to see the secret note by Ewart, enclosed, giving the background of the Wardha discussion.

Yours ever,
LAITHWAITE

SECRET.

The following note is based on the oral report of an agent who was at Wardha from July the 5th to 7th. He was not present at the actual deliberations of the Working Committee as admission was most rigorously restricted to actual members except when the Provincial parliamentary leaders were called in for limited periods, but he was in intimate touch with all those present. I divided the substance of his report into two heads, (a) information, and (b) impressions. As my informant has held a distinct position in advanced politics for many years past, his remarks in the latter category have some value.

Information. (1) Nehru had been brought into line by Gandhi in the course of the lengthy private discussions before the Committee met. Subsequently he put up no opposition, nor did he press any special opinions of his own. With Nehru controlled, the voice of the Left-Wing was hardly raised. Narendra Dev, Shanker Rao Deo and Patwardhan of the Left-Wing expressed some opposition but did not press it to the vote. Of the Provincial Parliamentary leaders Khare of the Central Provinces was the only one who showed some reluctance to accept the new resolution, but he put up no open opposition. The canvassing and organisation of the advocates of office acceptance was far better than at Delhi in March. Gandhi had been well bombarded in advance by advice, written and oral, from all those who, in the opinion of the pro-Office Party, could influence his opinions. Bhulabhai Desai strongly advocated the acceptance of office in the light of his experiences in England, and this opinion carried great weight. Desai's view was that if office were

accepted now there will be more sympathy and support in England when and if a breakdown occurs.

(2) The wording of the new resolution permitting office to be accepted by Congressmen "where they may be invited thereto", is a change from the wording of the Delhi resolution which permitted the acceptance of office "in provinces where Congress commands a Majority", and was deliberately made under pressure from Assam, Bengal (Sarat Chandra Bose) and the North-West Frontier Province, and is intended to remove the previous prohibition on Congress forming alliance or coalitions with other groups which may be sympathetic though not prepared to take the Congress pledge. In Bengal, Congressmen do not hope to upset the present ministry forthwith, but hope to strengthen their position greatly with a view to eventual office through the permission now given to negotiate with other groups. This latitude may lead in Assam and the N.W.F.P. to immediate results. The whole Working Committee are intensely interested in securing Congress control in the N.W.F.P., and Dr. Khan Sahib claims to have got the necessary support practically assured.

(3) It is clearly understood that the terms of the resolution neither permit nor imply any withdrawal from the election manifesto or the connected resolution (No. 16) of the Faizpur Congress session. As regards the N.W.F.P., Khan Sahib expressed his intention to proceed at once to withdraw the ban on Abdul Ghaffar Khan; to repeal the Public Tranquillity Act and to strengthen greatly the finances and organization of the Red Shirts.

(4) The situation as regards Muhammadan representation in ministries was much discussed and is the cause of great anxiety. During private discussions before the Working Committee meeting certain Hindus drew attention to the fact that at the moment seven Provincial Premiers were Muhammadans. The upsetting of this Muhammadan preponderance was one of the arguments in favour of office acceptance. The finding of Muhammadan representation in Congress Cabinets was recognised, however, to be a most serious difficulty. In respect of Bombay, Gandhi and the Working Committee are very anxious both because of the uncertain Congress majority and the difference of opinion as to leadership, and because they cannot see a single Muslim to whom they can give a ministership. In the United Provinces they have at present only two Muslims among their party in the Assembly, and one of these is S.S. Zaheer who is young, inexperienced and at present being prosecuted for sedition. They hope to win the pending bye-election at Jhansi, and they are considering the possibility of an agreement with the Left Wing in the Provincial Muslim League. In Bihar and the Central Provinces they hope to win support from once or other of the Muhammadan groups.

(5) It is intended to exercise the closest control over the discipline of Congress Parties in provinces. Gandhi himself is most insistent on this, and includes in it the intention to combat all forms of corruption and self-seeking. Ministers and other Congress office holders will be kept to the Rs. 500 per mensem maximum. The formation of Cabinets will be decided by the representatives of the Working Committee who have been placed in charge of groups of provinces, viz. Patel, Rajendra Prasad and Abul Kalam Azad, and these representatives will be under the direction of the Working Committee and ultimately under that of Gandhi himself.

(6) Nehru's health is much improved since the last meeting of the Working Committee at Allahabad, and there now appears to be nothing seriously the matter with him. Gandhi appears to be unchanged and is as fit physically as he was when my informant first became acquainted with him sixteen years ago. He leads an absolutely regular life and is very well looked after.

(7) The question of office acceptance absorbed not only the whole time but the whole interest of those assembled at Wardha, and none could bring themselves to give serious attention to other problems, such as communal tension or the details of parliamentary programmes in provinces.

Impressions. (1) My informant stated emphatically that never in his political experience of some fifteen years has he seen a statement from official quarters have such effect on Congress as that created by H.E. the Viceroy's recent statement. Room for criticism in a few points of detail was found, But the sincerity of the whole and the friendliness of the approach to Congress was universally acknowledged.

(2) My informant gained the clear impression that members of the Working Committee and Congress leaders in provinces are anxious not to provoke a clash, at any rate for the present. In my informant's opinion, Gandhi himself has some hope that his object of attaining what he would define as complete independence is possible of achievement through the working of the Constitution, though he hardly expects this and is prepared for an unconstitutional movement whenever he sees fit. The majority of the other leaders regard a breakdown and unconstitutional activities as inevitable. The general present wish and intention, however, is to make a serious attempt to show that Congress can administer the country and to get as much performance as they can in a year or so to their credit. They are extremely vague in their minds and full of doubts as to what they can, or cannot, do. From his conversations with individuals my informant expressed the opinion that it "goes without question" that Congress Ministers will proceed to release

political prisoners, repeal repressive laws, and remove bans and restrictions. He also heard the intention expressed of ignoring the Governor, or going ahead with the ministerial programme without consideration of the Governor. Apart from the results which may arise from actions such as those indicated above, my informant anticipates the likelihood, even where Congress Ministers are anxious to avoid conflict, that clashes will be forced on them by the action of their more irresponsible followers. He thinks that in the lower ranks of Congress in the countryside and away from headquarters generally, Congress discipline does not extend to the control of the behaviour of individuals and groups, and that there is bound to be, as a result of Congress coming into office, much exuberance and exaltation, manifested in defiance of the authority of the police and the encouragement of feelings that Congress supporters now have complete licence to do whatever they like. He regards the United Provinces and the N.W.F.P. as the areas where such results are most probable.

J. M. EWART

The Information in this report is materially corroborated from an independent source in a report which I am sending (with a copy of this) to H.D.

J. M. EWART

360

Governor-General to All Governors on the Policy Regarding Governor's

Presiding Over Cabinet Meetings

L/PO/6/100

13 July 1937

Important. No. 721-G. I anticipate the Congress in Provinces in which they are taking office may raise question of the Governor presiding over Cabinet meetings. My own general feeling is that it is most important not to allow a Governor to be edged off the stage, and on the face of it is likely that the policy of Congress in this and other respects may be to aim at side-tracking or eliminating him. I regard it as important in these circumstances that the principle of Governor presiding should be maintained.

2. At the same time I am quite ready myself to accept the view that there might be advantage in a slightly greater elasticity than has so far been given in this matter, and I am very ready to suggest to the Secretary of State that the case would be met were Governors, while normally presiding—

- (a) to absent themselves say every fifth or sixth meeting and to inform their Chief Ministers that while they would normally preside, it was unlikely that they would in fact preside at *every* meeting;
- (b) to use their own discretion as to leaving a meeting at a certain point so that it could discuss in the absence of the Governor items on the agenda having a special party complexion or importance. It should without difficulty be possible when items of this nature were in issue to arrange that they should be placed at the end of the agenda.

3. I would be grateful for an expression of your views to enable me, if this seems desirable, to address the Secretary of State. Would you be so kind also as to confirm my impression—

- (a) that you have, when present at headquarters, presided over all Cabinet meetings since 1st April;
- (b) that your presence has in fact been definitely helpful to Ministers, and can be said to have been welcomed by them?

4. I am addressing the other Governors in similar terms.

361

Cabinet Discussion on Congress Resolution to Accept Office

Cabinet Papers, No. 23/89

14 July 1937

12. The Cabinet took note of a Memorandum by the Secretary of State for India (C.P.-184(37))¹ reporting that the Working Committee of the Indian National Congress had passed a resolution on July 7th recommending that supporters of the Congress in the Provinces where that party had obtained a majority in the Legislatures should be “permitted to accept office where they may be invited thereto”. The Secretary of State felt that there were grounds for satisfaction with this latest development, which would guarantee at least some practical experience of the new Constitution in all the Provinces, and might prove to be a turning point

1- See. No. 356

in the history of our dealings with Indian nationalism. The full text of the resolution was attached as an Appendix to the Memorandum.

The Secretary of State for India said that the resolution was a matter of considerable importance and might become a landmark in the relations between this country and India. He uttered a *caveat*, however, against premature rejoicing. The Left Wing of Congress was still strong, as could be seen from the wording of the resolution and the Government might still be faced with a serious problem. For example, he had just received information from Madras to the effect that the person whom the Governor had asked to form a Government was already raising a point that involved the powers of the Governor. Whether the person in question had acted under instructions from Congress, he did not yet know. Apart from that, however, the latest developments were satisfactory.

The Cabinet agreed:

To invite the Secretary of State for India to telegraph to the Viceroy their congratulations to him and to the Governors on their successful handling of this difficult situation.

362

Linlithgow to Zetland on Desirability of Governors Normally Presiding Over Cabinet Meetings (Extract)

L/PO/6/100

15 July 1937

Haig raised with me a few days ago this question of Governors presiding over their Cabinets and indicated that, as he thought, it was not unlikely that Congress would raise it in the United Provinces. He was disposed to go a good deal more than half way towards meeting them over it and indeed, while maintaining in principle the right to preside, to make it clear that save in exceptional cases he did not propose to exercise that right. That seems to me to go a great deal too far, and you and I have always felt that despite the obvious inconveniences of the Governor presiding, it is most desirable that, particularly in the early stages of the Constitution he should normally do so. But I should be quite prepared myself to see a slightly greater degree of elasticity than the existing instructions in fact make possible, e.g. I would have no objection, speaking personally, to a Governor absenting himself now and then, or to his leaving the room when at the end of a Cabinet meeting certain

items appeared on the agenda which appeared to be of a wholly party character and which his Cabinet would desire to discuss in the intimacy of a party meeting and without the Governor's presence. But, given the general importance of the point, I thought it only fair to put the position to Governors so that if necessary I could address you about it and to take the opportunity also to ask them whether I was correct in assuming that they had hitherto normally presided and that ministers had welcomed their presence. You will be interested to see the replies which I have so far received and of which I enclose copies¹. I agree of course with Erskine that we must give some little latitude to Governors in the particular circumstances of individual provinces, and the case of Madras is, for the reasons he gives, of a somewhat special character. But broadly speaking, the replies so far received confirm me in my view that we have been working on the right lines, and that in principle it will be desirable to maintain pretty strictly the practice of the Governor presiding, not necessarily on every occasion but normally. I am very apprehensive myself that as suggested in my circular telegram, the attack will now concentrate on the Governor (as no doubt it will in due course, though with less effect,) given his somewhat different constitutional position, concentrate on the Governor-General, and that the policy will be to endeavour to side-track him or to eliminate him. Emerson has already complained to me of the extent to which the Governor has been dragged into discussion of a highly controversial kind even in the Punjab Assembly in the last three or four weeks. But if I am right in thinking that that is a probable danger, it is all the more important for us to consider most carefully before accepting conventions or the like which will tend in practice to limit the powers or obligations placed on the Governor under the Act.

¹ Not printed.

363

*Linlithgow to Anderson on Adhering to the General Policy in Respect of the
Release of Detenus*

Linlithgow Papers

VICEREGAL LODGE, SIMLA,
16 July 1937

[Personal & Confidential]

MY DEAR ANDERSON,

Many thanks for your letter of 8th July¹. I had already noticed that B. C. Chatterjee had somewhat uncautiously ventured on the thinnest of ice and that he met the fate which he deserved. But I am amused by what you tell me about the Muslim gentleman of Pabna.

2. I am grateful for this information about Sir Nazimuddin. It is very reassuring that relations with the permanent staff of the Home Department and with the Police should have remained so very satisfactory.

3. I realise only too fully the great importance of this problem of the Bengal detenus, and quite apart from its Bengal aspect, which is most important, there is the question of possible reactions outside. You will have had a telegram from me about the problem with which Erskine fears he may be confronted (in no way comparable in scale or general importance with yours) in the event of his Congress Ministry pressing for the release of certain prisoners. I hope very much that the reactions of an affirmative decision on his part, should he have one, will not be embarrassing from your point of view. I am further to send out in the next couple of days a further circular telegram making certain suggestions which may conceivably be, at any rate in some Provinces, of use to the Governors concerned. The correspondence with the Secretary of State over Erskine's troubles has left me with the impression that he is very sensitive to the inter-provincial reactions of the policy adopted, and while I recognise only too fully how closely our hands are tied and how little liberty of action we have in view of the terms of the Act, it is the type of case in which it is I think of advantage that Governors should know the general line which is being followed elsewhere, and that even at the risk of putting to them suggestions which they have already themselves evolved and possibly rejected, it is better to err on the side of excess rather than otherwise.

¹ Not printed.

4. As I dictate there comes back to my mind telegram which I saw in the News Agency telegrams a few days ago, from which it appeared that Fazlul Huq had himself presided over a meeting of the Praja Party at which a Resolution had been passed strongly recommending your Home Minister to release detenus and other political prisoners. I think that the telegram went on to say that the Minister for Local Self-Government had also been present. Conditions here of course are entirely different from conditions at home, but I confess that I could not but feel some little surprise that Fazlul Huq, if there is indeed any foundation in the report, should have been placed in this position. No doubt the answer is that this meeting of the Praja Party was not very different from the annual meeting of the Conservative Party at which resolutions of all sorts, either criticising or contrary to the accepted policy of Government, find a majority behind them despite the presence of the Prime Minister or the Chancellor in the Chair.

Yours sincerely,
LINLITHGOW

364

*Haig to Linlithgow: Favours Policy of Release of Prisoners on
Individual Consideration*

Linlithgow Papers

16 July 1937

Your telegram No. 731G. of July 15th. Release of political prisoners. As to general attitude I agree with statement of position at beginning of paragraph No. 3, particularly in view of fact that Governor's special responsibility is limited to prevention of any grave menace.

2. In the United Provinces the position is as follows:—

(a) Five Kakori prisoners serving long sentences, mostly transportation for life. They have all done about ten years already. This was an important revolutionary dacoity conspiracy. Two of these prisoners have within the last year or so been on prolonged hunger strike, one of who is Bakshi who has ceased his strike.

(b) Eighteen prisoners convicted at various times of miscellaneous offences or revolutionary violence or possession of bombs or arms. They are mostly serving considerably shorter sentence than Kakori prisoners.

(c) Certain number of persons convicted under Section 124-A or 153A, in respect of communist or seditious speeches. There are 10 of these except those who have been convicted recently.

(d) There will be certain number who are under prosecution for sedition or communistic speeches. Most important is Sajjad Zaheer.

3. My general feeling is in agreement with Your Excellency that it would be unwise to press disagreement with Ministry about any of these to point of break. The province is at the moment reasonably quiet, and it would be difficult to hold that release of these men particularly under proper conditions would be a grave menace to its peace. At the same time I should propose to try and secure (a) that each case should come under individual consideration and that Ministers should understand what these men have been convicted for and should hear the views of the Police about effect of release; (b) that in the case of those convicted of violence if possible they should not be released without giving assurances of good behaviour; (c) that if possible they should be released at different times on the basis of their individual cases; and (d) again if possible that some of these who have been convicted of miscellaneous crime, of violence should not be prematurely released at all. I would contemplate discussing with my Ministers on these lines and emphasizing their responsibility.

4. So far as speeches are concerned, it seems to me inevitable that they will insist on releasing those who are guilty of seditious speech and withdrawing pending prosecution and that it would not be wise to take attitude of strong opposition to this. At the same time it would be reasonable to put to Ministers that these speeches are being made, that they presumably agree that they are very undesirable and though they may not like previous methods of dealing with such speakers, they ought to address themselves to curbing the evil in some other way. They might perhaps distinguish between seditious and communist speech and take firmer line about latter.

4. My conclusion on the whole is therefore that probably it will be necessary to release practically all political prisoners as described above in these Provinces, but that if releases are carried out as I suggest, effect is not likely to be dangerous.

6. I am particularly anxious that Kakori prisoners should not start another hunger-strike. Ministry might find it difficult to hold out against this while to give in to it would produce deplorable effect.

365

*Telegram from Linlithgow to Erskine: Communicates Cabinet's Appreciation
on Congress Decision of Accepting Office*

Erskine Papers

16 July 1937

I have received the following telegram from the Secretary of State. Begins "The Cabinet¹ at a meeting this morning desired me to convey to you, and through you to Governors, their congratulations on the decision of Congress to accept office, and to express their appreciation of the manner in which a matter of great delicacy had been handled." Ends. I would like to associate myself with their warm congratulations on the admirable way in which a most difficult situation has been handled. I am sending suitable message of thanks.

¹ See No. 361

366

*Mahadev Desai to Ghanshyamdas Birla: Provides Background Information on
Congress' Acceptance of Office¹*

MAGANWADI, WARDHA

16 July 1937

MY DEAR GHANSHYAMDASJI,

I appreciate your surprise at my silence. It was as deliberate as it was inevitable. For there was nothing that I could communicate to you. I could see that the letters Bapu was receiving every day from various parts of the country were making him incline more and more towards office acceptance, but I must also say that Lord Zetland's second speech²—I mean the one in which he repudiated the criticism that he had closed the doors against conciliation left a favourable impression on Bapu and it is since that moment that he began to veer round towards acceptance. When Jawaharlal came to Wardha three days before the W.C.

¹ G.D. Birla, *Bapu: A Unique Association*.

² See No. 237

Bapu's mind had been made up and I must say to the credit of Jawaharlal that he did not prove difficult to persuade. Throughout the Committee meeting, I am told his attitude was worthy of his best instincts and that was why the whole meeting went off well.

Well that's a bit of history. I must tell you the spirit in which Bapu has approached the whole question. C.R. asked for Bapu's blessings to be wired to him and his colleagues when they were all sworn in as ministers. Bapu sent a wire but made it clear that it was not for publication. Here is the text: "Private. Deepest prayer has been the spring on which I have drawn for guiding the Committee. You know how my hope is centred in you. May God bless your effort. Don't publish this. I have no right to send message to members. For that you must ask Jawaharlal. Love".

367

Nawab of Chhatari to Linlithgow on the Policy of Congressmen

Linlithgow Papers

40, MAJOR BANKS ROAD, LUCKNOW

17 July 1937

MY DEAR LORD LINLITHGOW,

I am very grateful to Your Excellency for your kind letter of the 12th July.¹ I know how very busy Your Excellency must have been during these days. These are the most critical times in the history of India for the last 50 years, and I respectfully wish to convey my congratulations to Your Excellency for the great statesmanship Your Excellency showed during these three and a half months, and particularly for the statement which brought the Congress into the field of constitutionalism. Most of the people commented on Your Excellency's silence, but now every one of them has to admit that any expression of feeling earlier would not have served the purpose and would have been inopportune. Your Excellency did the right thing at the right moment, and it is really a personal triumph for Your Excellency to be able to bring the law-breakers into the field of law-abiders. I hope they will work the Constitution in the true spirit.

As Your Excellency must have seen in the papers we handed over charge yesterday, and the Congress Ministry has begun to function in

¹ Not printed

the United Provinces. Everything hinges on the future policy of Congressmen. If they become a constitutional party, then it will be a great gain to the country, but if there is no change in the mentality and they utilise this power to strengthen their organisation with a view to wreck the Constitution in future, then it will be a misfortune. However, Your Excellency did what was best in the interests of the Constitution and consequently of the country.

As I told Mr. Laithwaite I was a bit doubtful, but now after receiving Your Excellency's letter I agree with Your Excellency and I am going to send a letter to Mr. Bhose—copy of which I will forward to Mr. Laithwaite—informing him of the decision of the Commissioners' Conference which amounts to three months' notice to him, and asking him to shift the office to Delhi.

With kindest regards,

Yours sincerely,
AHMED SAID

368

*Viceroy to Governors of Bombay, Bengal and Central Provinces
Regarding his Intention to Meet Gandhi*

Linlithgow Papers

19 July 1937

Immediate. No. 757-G. Now that Congress have accepted office and that on the whole the omens for the immediate future appear to be reasonably favourable, I have been turning over in my mind whether it would not be a good thing to write to Gandhi to say that I would like to make his acquaintance and possibly ask him to come for a talk at Delhi on my way back from Assam about the beginning of August. I should not propose to talk business with him upon matter recently in issue and I would make that clear. But I am myself inclined to think that there is a good deal to be said for establishing contact on a purely personal basis at a time when there is no political matter in issue between us and when talk with him cannot be represented as acceptance on my part of any claim by him to be regarded as the spokesman of Congress. Before taking any decision I shall of course have to secure the approval of Secretary of State who already knows the direction in which my mind is moving. I would accordingly welcome your opinion as to the probable

reaction of a move of this type. I am also consulting
Anderson

Brabourne

Hyde Gowan

(in whose province Gandhi is living).

(a) Jealously on the part of Nehru. I have considered the desirability of issuing a simultaneous invitation to Nehru, but I think the risk of an uncivil reply is probably one which one ought not to face having regard to the general importance of prestige. Also I should be seeing Gandhi personally and not as representing Congress.

(b) Possibility of Gandhi refusing—I do not exclude this, and the possible adverse effect (though this can I think be exaggerated) of his doing so, but I should on the whole be disposed to think that he would be flattered by an invitation, especially couched in friendly terms, and that if it was clear that the discussion would be purely to make personal contact, he would be unlikely to advise me in reply that I ought to make contact with Nehru.

(c) Possible reactions on the Moslems. I would have preferred to see some Moslems leader immediately after seeing Gandhi. Jinnah is out of the way and will not I imagine be up here till August. But I will arrange to see either him or Sikander reasonably soon after Gandhi's interview.

(d) General reactions on the political public and on the services.

I would greatly welcome your estimate of these from the provincial point of view.

2. If I am to make any move, it must of course now be made without delay, and more particularly as, if I decide to pursue the matter, I shall have to discuss the whole issue with Secretary of State further, I would greatly welcome an early answer.

369

Brabourne to Linlithgow About the Profile of Ministers in Bombay (Extract)

Linlithgow Papers

19 July 1937

That they intend to introduce a considerable redistribution of work among Secretaries which, if they persist in doing, will make a reorganisation of our Secretariat on the lines desired by you and the Secretary of State even more difficult to arrive at than it is at present. This does not

seem to be a matter in which I can interfere, but my Chief Secretary and I will do all that we can to lead them in the right direction. The Muslim Minister was not sworn in because it has not yet been decided which of two candidates is to get the post, and I will swear him in some time tomorrow. The distribution of portfolios is awaiting the appointment of the Muslim Minister, but it seems to be more or less decided upon already.

5. Individual Ministers.—(1) B.G. Kher (Chief Minister).—I have written about him before, and I will only repeat that I have found him pleasant to deal with and, although he is a fanatical follower of Gandhi's, it is not impossible that he may turn out to be fairly reasonable.

(2) A.B. Latthe.—He was, for some years, Dewan of Kolhapur State and was made a Dewan Bahadur, which title he renounced on joining Congress some little time ago. He is said to have plenty of brains but to be somewhat untrustworthy.

(3) K.M. Munshi.—He is, of course, a well-known member of the Bar in Bombay, where he earns a very big income. He, also, is said to be clever but unreliable, and the way in which he let down a Minister of Education in Bombay in years gone by over the Bombay University Act is still remembered. Rumour has it that he was most unwilling to give up his lucrative practice at the Bar and become a Minister, but that he had to surrender to pressure from the Congress "High Command". Rumour also has it that he will become Home Minister.

(4) Dr. M.D. Gilder.—A Parsi doctor in Bombay City who has a very extensive and lucrative practice. He was a Member of the late Legislative Council, where he always criticised very severely the Medical and Public Health policies of former Ministers. My Chief Secretary has known him for quite a long time and reports that he has always found him quite reasonable in private conversation, but that he has a very strong bias against the I.M.S.

(5) Morarji R. Desai.—An ex-Deputy Collector who resigned from the Bombay Provincial Civil Service during the civil disobedience movement. He is a Gujarati with all their cunning and outward politeness, but those who know him in the past have a decidedly poor opinion of him:

(6) Mr. L.M. Patil.—He is a Mahratta from Ahmednagar about whom little is known at present. He seemed the only somewhat surly member of the Cabinet at this morning's ceremony, but that may quite likely be due to the fact he has not got the Gujarati facility for turning on politeness like a tap whenever it is required.

I hope to be able to give you fuller details about the Ministers themselves, and their intentions, by the time my next report is due.

Yours ever,
BRABOURNE.

P.S.—Since writing the above, the Muslim Minister has been decided on. He is Mr. M. Y. Nurie. He is a Barrister who has been practising in Ahmedabad for the last nine years and is one of the very few Muslim M.L.As. who has signed the Congress pledge. Apart from that I do not know anything about him at present.

370

Pant to Nehru on Cabinet Formation and Activities in UP

Nehru Papers

LUCKNOW
19 July 1937

MY DEAR JAWAHARLALJI,

Vijai Lakshmi must have given you a full report of our activities on Saturday when she was here. You may have noticed the report of my remarks to the Secretaries in the *Leader* of today. Orders have been issued for the removal of the ban imposed on the associations which had been declared unlawful under the Criminal Law Amendment Act in the past, also for the refund of the security deposits taken from newspapers and presses under the Press Act, and for the release of prisoners undergoing imprisonment under section 124-A and for the cancellation of bonds under section 108, as well as for the withdrawal of such cases pending in courts.

I am particularly anxious to complete the formation of the Cabinet. Pearey Lal was here yesterday and readily expressed his consent. There was no reluctance, much less any resistance. The report that has appeared in some papers that a great deal of persuasion had to be exercised in order to secure his assent is not correct and I do not like it. This gives a wrong impression as though Ministerships are going abegging and there is none willing to shoulder the burden. I hope Narindra Deo will arrive at the right decision and we will have the benefit of his active co-operation inside the Cabinet. I have throughout been anxious to have him as one of my colleagues. The number as well as the personnel

should now be finally determined and this matter should be concluded by Wednesday.

I am eager to meet you in order to settle whatever is still outstanding, but do not see any way of escape from Lucknow at present when we are just getting into the saddle and there are so many problems facing us. I am really perplexed and do not see any solution as there is no prospect of your coming here or in the neighbourhood till the 26th. The Muslim League being practically out of the field now, we have to find out a competent and dependable member from that community. Ibrahim is perfectly reliable but it does not look to me dignified enough to offer him this office in the present circumstances. It looks like a bait and may even lower him in public estimation. I too have received a telegram from Maulana Husain Ahmad asking me to wait for his arrival before taking any final decision as regards the selection of another Muslim Member of the Cabinet. He is probably thinking of pressing the claims of Ibrahim. I have already expressed my feelings candidly to some of the advocates of Ibrahim and they seem to be satisfied with what I told them. The Cabinet now cannot possibly be smaller than seven and I am not sure if two Muslims out of seven will be regarded as being adequate by the communal-minded Muslims. With our differences with the Muslim League all these matters are likely to come in for adverse criticism. On the other hand, a Cabinet of nine looks much too large.

As to the nominations to the Upper House, the question has been engaging my attention and I have discussed this with several friends, but so far I have not been able to make up my mind. I wish that we could put in two well-known Congressmen. The Sikhs have been urging their claims for one and it could be met by putting in Sant Singh of Bareilly, but then the labour representation would be shut out. Bal Krishna's name had been suggested to me and it was pointed out that though he did not hold any conspicuous place in a labour organization yet he had been working for them, and as a prominent worker of Cawnpore has ample opportunities of getting in touch with them and serving them. Sir Wazir Hasan's is another name mentioned in this connection. We want some competent persons to represent our view as our strength there is hardly effective. I have taken careful note of the suggestions that you have passed on to me.

I have seen the copy of your letter to Rafi. Rafiuddin seems to have no sense of decency, otherwise he would not have accepted the delivery of a letter obviously meant for another person. But he was content with this and I am really amazed to find that he and others associated with him should have the audacity to make any public complaint on the score of what you had written in it. Discretion may prove the better part of valour now. As you observe there is nothing objectionable in it, but I doubt

if any useful purpose will be served by our publishing it. Rafi has today written to the Inspector-General of Post Offices and some others in this connexion.

Maulana Halim had spoken to me bitterly against the Muslim League on Saturday. He came to me again last evening and told me that he had changed his opinion as having come to know of the terms on which the arrangement was based he had revised his opinion. He seemed now to be equally enthusiastic the other way. I expressed my helplessness and told him that if he was particularly keen he could see you.

We have not yet decided anything about our residence. I shall consider this question with Sarup tomorrow.

I am not feeling quite fit. I hope this finds you well.

Yours affectionately,
G. B. PANT

371

Hubback to Linlithgow on the Profiles of Ministers in Orissa

Linlithgow Papers

CAMP,
20 July 1937

MY DEAR LORD LINLITHGOW,

I swore in the new Ministers yesterday afternoon and enclose for Your Excellency's information a brief note on each.

Yours sincerely,
J. A. HUBBACK

[ENCLOSURE TO THE ABOVE LETTER]

Biswanath Das.—About 46 years old. Elected by the Ghumsur constituency of Ganjam district. Has landed property of 6,000 acres, and a share in money-lending business of half a lakh. A graduate in law, but has never, I believe, practised. Was a member of the Madras Legislative Council for some years. As President of a Taluk Board he was convicted of embezzlement of public funds but acquitted by the Madras High Court. In his order of acquittal the Judge, rather needlessly to my mind, remarked that he was unfit to hold a public office. He went to jail

in the non-co-operation movement of 1930. My first impression of him is that he is none too sure of his hold on the party and will follow rather than lead, except in so far as he gets orders from the Working Committee. He is suspicious and on the look-out for small points. I have hopes, however, that responsibility and experience will remedy that.

Nityananda Kanungo.—About 35 years old. Elected by the South Cuttack Sadr Constituency. The son of an officer of the Provincial Civil Service now dead. Practised as a pleader for a time. Has a small temporarily settled estate and a money-lending business of about Rs. 20,000. After graduating took a course in Journalism and Commerce in Bombay. Went to jail in the non-co-operation movement of 1930. My first impression of him is that he is a fairly able young man and will probably be a force in the Ministry.

Bodhram Dube.—About 40 years old. Elected by the Sambalpur Sadr Constituency. Practising as a pleader in Sambalpur where he owns a moderate estate. Distinctly of the right wing of the party and has never brought himself into conflict with the law. My first impression of him is that he is moderately able and likely to be a brake on extreme measures.

JOHN HUBBACK

372

Pant to Nehru on Difficulty of Including Ibrahim in the Cabinet

Nehru Papers

LUCKNOW
20 July 1937

MY DEAR JAWAHARLALJI,

Maulana Halim in spite of his promise did not turn up in the evening, with the result that the letter that I had written out yesterday has remained lying here so far. Habib-ur Rahman saw me this morning and he is now proceeding to Allahabad to meet you. He had brought a letter for me from Husain Ahmad and will be giving you a similar message from him. He is very keen on Ibrahim being included in the Cabinet. I have in fact no difficulty except this that it has an ugly look of indecent exploitation of the situation. That may not have been Ibrahim's motive but uncharitable critics will find enough of material to attack Ibrahim as well as the Congress on this score. He is so far the solitary member of the Congress who has deserted the League on whose ticket he was

elected and his selection as a Minister can be easily connected with the breach of the Muslim ticket which alone has enabled him to transfer his allegiance from the League to the Congress. The Ulemas who have thrown their lot with us will not apparently be satisfied if another person is selected in his place. His exclusion is likely to be resented by them.

Vijai Lakshmi does not like the idea of our sharing a common house. She wrote to me yesterday that she has made up her mind to occupy the house which was so far in the possession of Srivastava. The houses occupied by the interim Ministers are pretty big and equally costly; the charges of their maintenance will also be high, but for the present those of us who are here have practically decided to occupy these as they are handy and easily available and if we so desire we can give them up later. I would have very much liked to share the house which was vacated this morning by Chhatari with Sarup, but she thinks that she will require a lot of accommodation and that a separate residence is necessary. I do not quite like the situation of Srivastava's house but Sarup has seen it carefully and must have examined its surroundings and locality fully. I will again speak to her today. Narendra Deo will, I hope, be returning to Allahabad some time in the course of the day. I will speak to you on the 'phone tomorrow and I trust that by that time we shall be in a position to arrive at our final decisions.

You may have heard of the strike in Juggilal Kamlapat Jute Mill at Cawnpore. I have not yet been able to collect full information and have asked for it. The Collector apprehends that it may even lead to a general strike in all mills situated in Cawnpore. It is giving me some cause for anxiety. Immediate steps are desirable in order to meet the strike at the very outset, as with the lapse of time the complications as well as dangers increase. Padampat was here last evening and was agreeable to arbitration by an independent Tribunal. He in fact asserted that there was no grievance so far as the labourers are concerned and that the *mistris* had fomented this trouble. The labourers have, according to him, not even presented any demands, nor did they give any notice, and he went to the length of saying that he really did not know what were exactly their grievances. I am thinking of calling one of the labour leaders here today.

Yours affectionately,
G. B. PANT

P.S.—If Ibrahim resigns his seat & seeks reelection a solution can be found. In the meantime he can join the cabinet.

373

*Nehru's Statement Regarding Jinnah-Rajendra Prasad Formula
for Settling Hindu-Muslim Question**AICC Papers*

20 July 1937

Mr. M. A. Jinnah's methods of controversy get curiouser and curiouser. In his latest statement he has referred triumphantly to a statement issued by some members of the Nationalist Party in Bengal. What is the issue between us? Mr. Jinnah stated that even the Congress refused to agree to the formula evolved by him and Rajendra Babu during their Delhi conversations two years ago. It is admitted that Babu Rajendra Prasad agreed to this formula. It is further clear that Rajendra Babu, the then President of the Congress, assured Mr. Jinnah that he could get the Congress as an organisation to accept it, and he did so after consulting several members of the Working Committee who were in Delhi at the time. Rajendra Babu deliberately took that responsibility on himself and if Mr. Jinnah knew anything of the Congress, he must have realised that Rajendra Babu could deliver the goods so far as the Congress was concerned. It is true that Pandit Madan Mohan Malaviya and some members of the Bengal Nationalist Party did not accept that formula. But it is equally true that their opposition would not have prevented the Congress from accepting it. Mr. Jinnah will remember that the Bengal Nationalist Party was opposing the Congress in many matters and indeed had run candidates in opposition to Congress candidates during the elections to the Central Assembly. Therefore for Mr. Jinnah to say that even the Congress rejected that formula is entirely incorrect and I am surprised that he does not appreciate this patent fact. The Congress would have certainly accepted it on the recommendation of its President and the Working Committee. But Mr. Jinnah wanted the Nationalist Party also to agree. This they would not do and Rajendra Babu had no authority to speak for them. Because of this Mr. Jinnah did not consider it worth while to proceed with the matter, although Rajendra Babu was perfectly prepared to place it before the Congress and get its formal assent. This is the sequence of events and if Mr. Jinnah will consider it carefully, he will no doubt realise that his statements on this issue have been far from correct and that he has been doing an injustice not only to those whom he has sought to criticise, but also to himself.

This is past history, but the present holds us, and I am still waiting to know what Mr. Jinnah's reactions are to the methods adopted on behalf

of the Muslim League in the recent Bundelkhand election. He has denied the notice issued in his name. Does he also disagree with its contents? If not, may I presume that this is his and the Muslim League's political platform. My visit to Bundelkhand has enlightened me greatly as to how communal organisations run elections and the notices and other material that we have collected will no doubt be of value to the future historian.

JAWAHARLAL NEHRU

374

Gandhi on the Code of Conduct for Ministers

Harijan, 21 July 1937

I have not hesitated to express my opinion that the salaries that Congress ministers have voted for themselves are much too high for the standard that should govern us in this, the poorest country in the world. In the hurried note that Prof. K. T. Shah has sent me and which the reader will find elsewhere, India's annual income will be found to be £4 against £50 of Great Britain. Unfortunately for us we have to bear yet a while the burden of the British inheritance and in spite of the best effort, we fail to achieve the ideal standard. The salaries and the allowances are now a settled fact. The question now is, will the ministers, their secretaries and the members work so hard as to deserve the emoluments they receive. Will the members become whole-time workers for the nation, and give a faithful account of the services they may render? Let us not make the mistake of imagining that the things are what we wish them to be, or what they should be.

And it is not enough for the ministers to live simply and to work hard. They have to see to it that the Departments they control also respond. Thus justice should become cheap and expeditious. Today it is the luxury of the rich and the joy of the gambler. The Police should be friends of the people instead of being their dread. Education should be so revolutionised as to answer the wants of the poorest villager, instead of answering those of an imperial exploiter.

All those who were imprisoned for offences, even of a violent nature will shortly find themselves free, if the ministers can give them the freedom. This is a phenomenon not to be looked at lightly. Does it mean passport to violence? Certainly not, in terms of the Congress creed of non-violence. The Congress abhors individual violence in a far

more real sense than the Government it replaces. It seeks to meet the violence of individuals not with the organised violence called punishment, but with non-violence in the shape of friendly approach to the erring individuals, and through the cultivation of sound public opinion against any form of violence. Its methods are preventive, not punitive. In other words the Congress will not rule through the police backed by the military, but through its moral authority based upon the greatest goodwill of the people. It will rule, not in virtue of authority derived from a superior armed power, but in the virtue of the service of the people whom it seems to represent in every one of its actions.

Ban on all prohibited literature is being removed. Now some of the books banned, will be found, I suppose, to inculcate violence and spread obscenity or hatred among different classes or sects. The Congress rule does not mean licence to violence or obscenity, or fomenting of hatred. Again, the Congress will rely upon the unstinted support of enlightened public opinion in dealing with objectionable literature. The ministers, who may find violence, hatred or obscenity spreading in their provinces will look to the Congress organisations and ultimately to the Working Committee for active and efficient help before they resort on the process of the criminal law and all it means. Indeed the triumph of the Congress will be measured by the success it achieves in rendering the police and the military practically idle. And it will fail utterly if it has to face crisis that render the use of the police and the military inevitable. The best and the only effective way to wreck the existing Constitution is for the Congress to prove conclusively that it can rule without the aid of the military and with the least possible assistance of the police who may well have some new friendly designation given to them as a correspondent suggests.

375

Telegram from Governor-General to Secretary of State on Possible Reactions of Meeting with Gandhi

L/PO/6100

21 July 1937

IMMEDIATE.

773-G. *First of Two Parts.*

Paragraph No. 8 of my private letter dated July 8th and paragraph No. 16, my letter dated July 15th. I repeat in my immediately succeeding telegram¹ telegrams from Anderson and Brabourne, whom I consulted as

¹ Not printed.

to possible reactions of my sending an invitation to Gandhi to meet me for an entirely personal talk at which I could make his acquaintance at Delhi on my way back from Assam. In my reference to them I drew their attention to following points:—

- (a) Possible jealousy on the part of Nehru;
- (b) Possibility of Gandhi refusing;
- (c) Possible reactions of Moslems;
- (d) General reactions on political public and on Services.

2. I have also consulted Hyde Gowan whose reply I have not yet received. The matter is now, however, one of great urgency and I do not feel justified in waiting any longer, as, if I am, with your approval, to make any move towards Gandhi, I must do so at once. My own instinct that it would be a wise thing to see him, more particularly at a time when there are no marked political questions in issue between us and Congress, is strengthened by reaction of Anderson and Brabourne.

376

Nehru to Rajendra Prasad about the Move Towards Forming League-Congress Ministry

Nehru Papers

ALLAHABAD,
21 July 1937

MY DEAR RAJENDRA BABU,

Thank you for your letter about Orissa affairs.¹ I have been wanting to write to you for the last four days about a curious situation that has arisen here but as the urgency seemed to pass, I delayed writing. I shall now put you briefly in possession of the facts.

During the general elections in the U.P. there was not much conflict between the Congress and the Muslim League. It was the desire of both parties to avoid a conflict as much as possible and to accommodate each other. In the early stages of the election campaign a number of Muslims who were more or less Congressmen were doubtful if they would stand on behalf of the Congress or the League. If they had been pressed to do so they would have probably stood on the Congress ticket. But as there was no such pressure they drifted gradually to the League side under the vague impression that it was much the same thing. The League election board in the U.P. was a curious affair. There were some fairly good and

¹ Rajendra Prasad was in charge of Orissa Ministry formation.

old Congressmen in it, there were hopeless reactionaries and there were middling people who drifted hither and thither.

As we looked upon the election campaign it was a tussle with the Agriculturist Party which was a wholly government party of big zamindars. The League also was opposing them and so inevitably our opposition to the League weakened. We did not want to split the forces opposed to pure reaction.

I did not know much about all this and had practically nothing to do with it. As the election campaign developed and our strength became apparent, some Muslims came to us wanting to stand on our ticket. But they were not obviously desirable from the Congress point of view and we allowed matters to drift, although we began to regret not having run more Congress Muslim candidates.

There was no kind of arrangement between the U.P. Congress and the League, but a kind of convention developed. In one or two instances we opposed League candidates and came near to success.

During the election campaign the outstanding and most powerful worker on behalf of the League was Maulana Husain Ahmad who has always been very near to the Congress. During my tours where there was no Congress Muslim candidate, I usually supported the League candidate if he was not an obvious reactionary, as sometimes he was.

After the elections there was a tussle inside the League and the reactionary elements seemed to gain the upper hand. Relations between the U.P. Congress and the U.P. League became more strained. During the convention at Delhi this matter was discussed by us with the Jamiat leaders who had so far supported the League fully but who were now worried at the reactionary turn it was taking.

After the convention the U.P. League board became even more reactionary and its president, the Raja of Salempur, joined the interim ministry. This created a crisis in the League which resulted in the resignation of many members from its parliamentary board. Among those who resigned was Maulana Husain Ahmad. Most of those who resigned were not M.L.As. but one MLA, Hafiz Ibrahim, also resigned and formally joined the Congress party. There were at least four or five other M.L.As in the League group who were keen on joining the Congress Party but who for various reasons refrained at the time.

During the months that followed there was much controversy between the two groups of Muslims—those of the League and those who had resigned and their sympathisers, who were supporting the Congress. Bitterness grew, and the success of the Congress appeal to the Muslim masses irritated the Muslim Leaguers. So matters stood and the distance between the League and the Congress went on widening. This came to a head in the recent Bundelkhand election. This election although

we lost it, was an eye-opener to everybody. All manner of Muslims from maulvies and members of the Jamiat to young students trooped up, often uninvited, to help the Congress candidate. The reactionary methods of the League irritated them and they grew quite enthusiastic in their opposition to it. We lost the election for two reasons: (1) the cry of 'Islam in danger' and (2) bribery on an extensive scale. Many voters came to us and told us that they would vote for the Congress candidate if we paid them a little more than the other side was paying. There was a third reason also—the strength of caste feeling. Quite 25% of the voters were Malkhan Rajputs and the Muslim League candidate belonged to the same brotherhood. Their *biradari* decided to support him and threatened to punish any member who did not do so. People were made to take the oath on the Qoran. This solid block of votes went wholly against us almost without a single exception. But for it we had a comfortable majority. There was also shameless personation in regard to women voters, the same persons voting again and again.

In spite of all this the election was a most hopeful sign of a growing political consciousness among the Muslims. All our workers are sure that if the election was held again in the same area we would win. Last time we only put in about ten days' intensive effort. We got the real rural vote of the peasant but the resident of the *qashbas* were far more difficult. It was interesting to find that the Muslim peasant was not carried away by the cry of 'Islam in danger'. When asked why he was voting for the Congress he confessed frankly that he did so because he expected the Congress to reduce his rent.

Generally speaking therefore our position has been considerably strengthened by the election. We have discovered to our pleasant surprise that there is a strong band of Muslim workers all over the province who are determined to fight reaction and to support the Congress. Quite a number of the leading lights of the Jamiat have helped us enthusiastically. They were disgusted by the tactics of the League's supporters in Bundelkhand. We have collected a large number of leaflets and posters issued by the League and they are instructive reading.

It is true that we have still to face a solid mass of reaction and the cry on religion carried off many people. It is also true that bribery is rampant during Muslim elections. The voters are very poor and are smaller in number. We cannot and will not compete in these corrupt practices. Still the outlook is hopeful.

I have, without intending to do so, discussed at some length the Bundelkhand election. Still it will help you to form a background.

Towards the end of June, a little before the Working Committee meeting, the U.P. Muslim League leaders, Khaliquzzaman and Nawab

Ismail Khan, made an approach towards the Congress. This had obviously some connection with the possibility of ministries. They pointed out that last March their parliamentary board has offered cooperation to the U.P. Congress Party. You will remember the Working Committee resolution, the Congress policy in the legislatures, passed at the Wardha meeting prior to the convention. It was not clear whether the Muslim League board accepted the whole resolution or only the particular items of the legislative programme. If the former, then they accepted the Congress policy 100% including independence, fighting the Act, constituent assembly, etc., etc.

I knew nothing about all this, nor did Maulana till it was vaguely hinted at Wardha early this month by Pantji. But it was all very vague and I did not like the look of this angling for ministries.

When Maulana Abul Kalam went to Lucknow from Wardha he saw Khaliq who told him that he was practically prepared to give him a blank cheque provided two of their number were included in the ministry—himself and Nawab Ismail Khan, the president of the U.P. board. Maulana looked at all this with some suspicion but he felt attracted by the possibility of the whole Muslim League ceasing to exist as a separate group and being practically absorbed by the Congress.

He and Pant came to Allahabad and we discussed the matter at great length. I disliked (we all did) this bargaining for seats in the ministry. We disliked taking in two persons who, from the Congress point of view, were weak. We feared reaction among the Congressmen in general, and Congress Muslims in particular, who would have been irritated at their being excluded in preference for those who had been fighting the Congress. What of those who had severed their connection with the League and joined us? What of those Muslims of ours who had stood by the Congress during all these years? What of the Jamiat which was supporting us and opposing the League? You must remember that we have always had a strong and staunch group of Muslim with us in the U.P. They have not been many but they are growing in influence and younger Muslims are now strongly attracted to us. Were we going to ignore those who were with us and favour our opponents who joined us just to get the spoils of office? And then there was the risk of conflicts arising within the minister or the party—conflict of a communal or political nature—resulting in resignations and the creation of an awkward situation.

All this and more we considered and we hesitated. And yet the alternative was worth having if it could be secured. This was the winding up of the Muslim League group in the U.P. and its absorption in the Congress. This would have a great effect not only in the U.P. but all over India even outside. This would mean a free field for our work

without communal troubles. This would knock over the British Government which relied so much on these troubles.

After much discussion in which two other members of the U.P. (Kripalani and Narendra Deva) joined, we came to the conclusion that we should offer stringent conditions to the U.P. Muslim League group and if they accepted them in toto then we would agree to two ministers from their group. Besides them one minister would be Rafi Ahmad.

We drew up these conditions. The March resolution of the Working Committee on Congress policy in the legislatures was to be accepted from A to Z after full consideration, so that there might be no misapprehension. The Muslim League group will be wound up, including the U.P. Parliamentary Board. All the Muslim League M.L.As to become full members of the Congress Party (but there was this that they were not specially asked to take the Congress pledge). All of them to abide by the discipline of the party. In bye-elections, no separate candidates; all to support the Congress candidates, and generally to endeavour to increase the prestige of the Congress. If the Congress decided on resignation from the ministry or from the legislature, they would follow suit. And some others. You will agree that these were pretty stringent conditions and in effect amounted to something more than the Congress pledge. But we did not ask them to sever all connection with the parent Muslim League. The position would have been a peculiar one involving a dual loyalty to some extent. It could not last and we expected the U.P. Leaguers to break away from the parent League.

We decided to offer these conditions and also that if any condition was not agreed to, then not to come to terms with them.

Maulana and Pant went to Lucknow. They sent for Nawab Ismail Khan but he was ill in Meerut and could not come. There were talks with Khaliq who agreed to all the conditions except two; the winding up of the parliamentary board and not to set up separate candidates at bye-elections. These were vital conditions. Khaliq said that he personally would agree but he had no authority to do so. In effect, he pointed out, this might happen anyhow. Therefore Maulana said he could not give a final answer and came to Allahabad.

Meanwhile rumours had spread that we were talking with the Muslim League. Of course the details were not known. There was consternation among all our people, especially the Muslim Congressmen, the Jamiat people and young Muslims. Not only consternation but anger for the Bundelkhand election was fresh in everybody's mind. Maulana Husain Ahmad sent a special messenger and so on and so forth.

I was feeling very uncomfortable and was instinctively repelled by all this talk on an opportunistic basis. I felt trouble would follow and

ultimately we sent word that we regretted we could not alter our previous conditions at all; if they were accepted in toto we would agree, not otherwise. We had no authority to go beyond this without consulting the Working Committee. So the matter dropped and Maulana Azad went off to Bombay. Khaliq said he was unable to agree.

Today Khaliq made another approach. He suggested that he would call an emergent meeting of his executive to consider the question of the bye-elections if we could postpone decision for some days. I spoke to him on the phone. I referred him to Pantji but did not encourage him at all.

That is how matters stand now. Maulana Azad is keen on Hafiz Ibrahim being taken into the cabinet. He is a good and competent man and used to belong to the Swaraj Party. He might be described as a moderate Congressman. Pantji knows him well. There is just one difficulty about him that is this. It might be said that he left the League and joined us in order to get into the ministry. This would not be true as he left the League in March or early April when the question of ministry was not in the air. He left with a group including Maulana Husain Ahmad. He is intimately connected with the Jamiat. Still it is possible that the torrent may be hurled against him.

I am tired of writing this long letter. By the time you reach the end of it you will appreciate the humour of my saying at the beginning that I would give you a brief account. But the matter was complicated and I wanted you to be in full possession of the facts in case of possible developments. Vallabhbhai has already had a chance of discussing this with Maulana Azad.

I am sending a copy of this letter to Bapu.

Maulana Azad has not returned yet from Bombay, nor is there any news of him.

Yours. sincerely,
JAWAHARLAL NEHRU



Gopinath Bordoloi, Premier, Assam (1938)



Shrikrishna Sinha, Premier, Bihar



B.G. Kher, Premier, Bombay



Ravi Shankar Shukla, Premier, C.P. & Berar



C. Rajagopalachari Premier, Madras



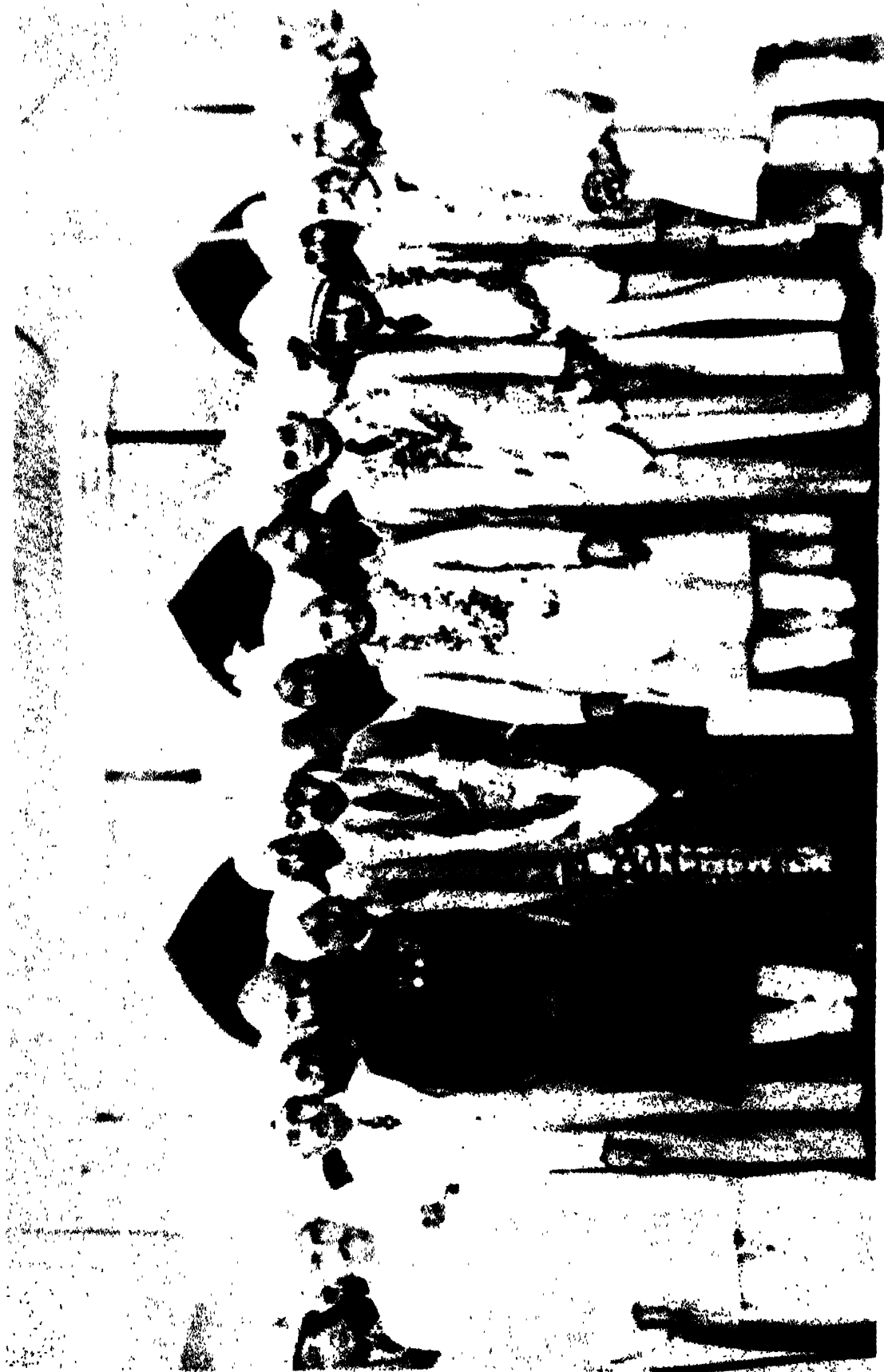
Dr. Khan Sahib, Premier, Sind



Govind Ballabh Pant, Premier, U.P.



Biswanath Das, Premier, Orissa



Sikandar Hayat Khan, Premier of Punjab with Chhotu Ram and others



Allah Bux, Premier of Sind, being taken in a procession



Rajendra Prasad in conversation with Sarat Chandra Bose and others

377

*Haig to Linlithgow on Ministry's Composition and Release of Political Prisoners in U.P. (Extract)**Linlithgow Papers*

21 July 1937

[STRICTLY CONFIDENTIAL]

MY DEAR LORD LINLITHGOW,

I am sending my eighth fortnightly report on political conditions in the United Provinces under the new Constitution. During the last fortnight things have moved very fast, and on a number of important issues I have had separate correspondence with Your Excellency which I need not repeat.

2. I arrived in Lucknow on the morning of July 10th. I saw Chhatari at once, and we agreed that the Ministry should tender its resignation without delay. They had a half-hour meeting by themselves before I arrived for the Cabinet meeting, and decided to submit their resignations. We then had a long Cabinet meeting trying to dispose of a number of unsettled issues. After considerable discussion they decided, to my relief, not to reduce canal rates. They also decided not to discuss the question of the release of political prisoners. They spent some time on the principles of a Debt Conciliation Bill, which they decided, I think wisely, to publish for eliciting public opinions even though they could not get any further.

3. At my request they agreed to continue in office until the new Government was settled, and I did not accept their resignations formally until the afternoon of the 16th. During that time we had one rather difficult discussion about Muslim educational policy, a matter which had been under consideration for a long time and was practically ready for a pronouncement. The discussion, as was inevitable, took a somewhat communal turn, but eventually an agreement was reached which was reasonably satisfactory to both sides, and a communiqué on the subject was issued.

4. It has occurred to me from something Your Excellency said in

What did I say?

your letter of 9th July that you may

—Linlithgow

have derived from my letters a

somewhat misleading impression of the general working of the Chhatari Cabinet. I have naturally mentioned the various points of difficulty that have arisen, and though they all required careful consideration and some

handling, I should like you to understand that the Ministry both individually and as a whole have been extremely pleasant, considerate and generally speaking easy to deal with, certainly as compared with the standards that must be expected in the future. Chhatari's administrative experience, and his qualities of good temper and tact were a genuine asset. Sir J.P. Srivastava put in some really valuable constructive work, and the new Ministers handled their charges satisfactorily. They would have found difficulty in holding together without my assistance, but they were always ready to listen to what I had to say, and so reasonable in discussion when taken the right way that it lightened my task immensely. In spite of a good many difficult general problems that confronted us during the last three and a half months, I look upon that period as one of comparative rest and tranquility. Even though we may, I hope, come through the approaching period with success (and I realise that we are playing for high stakes), in many respects it is going to be a vastly more difficult business.

5. I have already told Your Excellency about my interview with Pant

But you mustn't consult your Ministers! not on their discretion. — Linlithgow.

when he came to see me for the first time on July 12th. He was a good deal upset about my having made my nominations to the Upper House.

and complained that they would have the effect of weakening the position of Congress. I had always had it in mind that if the Congress took office, I might consult them about a suitable representative of Labour, who would obviously be in sympathy with the Congress, and in the course of conversation I volunteered that I would also consult him about the remaining nomination. I also mentioned the fact that the Advocate-General's post still remained to be filled. These things made a considerable impression on his mind, but he was still genuinely hesitating whether he should not consult Nehru before committing himself to accepting my invitation to form a Ministry. I felt that if he went away and consulted Nehru, we might have very serious complications, and it seemed to me of the first importance to clinch the matter there and then and put out a statement. He asked me to include in the statement some reference to the nominations, about which I have since had correspondence with Your Excellency, and to this I agreed. I think from the point of view of our provincial situation what I did was undoubtedly wise. He had to go to Allahabad the day after his interview with me in order to consult about the *personnel* of his Cabinet. At Allahabad there was a good deal of talk about the nominations, and it is clear both from press statements and from what he himself has told me

since that he was pressed very strongly on the subject. But he took the line that he had given me his word and that he could not go back on it; and in fact when he returned, as promised, on the 16th to give me the proposed names of his Cabinet he made no further reference to the nominations.

6. Pant is evidently having considerable difficulty in making up his Cabinet. When he came to me on the afternoon of the 16th he gave me five names: himself, Mr. Kidwai, Dr. Katju, Mrs. Pandit and Mr. Piyare Lal Sharma, the latter being a Vakil of no very great note from Meerut. He said he had not had the formal assent of the two latter, but he hoped to obtain this by the evening and it was agreed that the communiqué should go out that evening, giving the names of those who by that time had given their assent. Later he found it impossible to communicate with Mr Sharma, who was travelling back to Meerut. The communiqué therefore included only the first four names, and the next day he told me that though he had the assent of Mr. Sharma, he wished now to leave this matter over and announce the remainder of his Cabinet at one time. It looks to me as if Mr. Sharma may possibly not find a place in the end.' I have no real information as to the precise difficulties that are confronting Pant. He is uncommunicative and I have not questioned him. The main difficulty, however, is that of securing one or two additional Muslims. He told me he contemplated a Cabinet of either six with two Muslims, or eight with three Muslims. He was evidently counting on Congress success in the Jhansi bye-election, where a competent Muslim—Sherwani—was standing, but it has been clear for a day or two that the Muslim League candidate has won the election and this result has now been announced officially. This leaves the Congress with practically no Congress Muslim other than Kidwai to put in, and talk seems to be proceeding as to the possibility of an agreement with the Muslim League whereby they would have two members in the Cabinet. It is hardly worth while speculating as to how the situation will develop. Pant told me yesterday that it would still be two or three days before he could let me have his final list. So far the composition of the Cabinet is less extreme than might have been expected, but if the Muslim League conversations fall through, I anticipate that the Cabinet will assume a more extreme complexion.

7. The prospects of the new administration, working out on reasonably satisfactory lines depend, I think, very largely on the relations I am able to establish with Pant. He represents the more moderate element in the Cabinet, and will I anticipate have his own difficulties continually with the extremer element both inside the Cabinet and outside, particularly with Jawaharlal Nehru. At the same time Pant has a rather curious combination of characteristics, though I do not yet feel

that I know him sufficiently well to be able to estimate the comparative importance of the various characteristics in shaping his general outlook and conduct. He is a sincere enthusiast for the public good, as he sees it, and is particularly determined to ameliorate the lot of the peasants. He is much under the influence of democratic principles which he holds with conviction and tenacity. He is easily swayed by his feelings, and has what I might call a genuine sentimental outlook on affairs. At the same time he has an unusually acute dialectical brain and, I should judge, a keen sense of the advantages of a tactical position. But while I think that from this point of view one has to be very wide awake in dealing with him, I believe that according to his own principles he attaches great importance to frank discussion and to observing an agreement once it has been reached. In practical matters, so far as I can form an opinion at present, he does not seem to me quite so clear-headed as one would have expected from his dialectical powers and his sense of tactics. Finally, he has some rather attractive personal characteristics, not the least among which is a sense of humour. Those are the elements, so far as I have been able to observe them at present, in the character of a man on whose relations with myself a great deal will depend.

8. I shall not go at any length into the questions of release of political prisoners and the Governor presiding at Cabinet meetings, which have formed the subject of detailed correspondence between us. With regard to political prisoners and allied subjects, though Pant has very definitely forced the issue and indeed, through some misunderstanding, put a statement into the press to only part of which at the time I had agreed, I cannot complain that his practical outlook has been unreasonable or that

P.S.V.—Stiffen him a bit. he has tried to push forward proposals

—Linlithgow which represent more than the

minimum which he is bound by the general policy of Congress to try and secure at the outset. The points on which he has concentrated are:—

(a) cancelling security demanded from newspapers and presses other than on communal grounds, but he has abstained from raising the question of refunding securities that have been forfeited;

(b) cancelling orders proclaiming certain associations to be unlawful. After a full discussion with the Inspector-General of Police I am satisfied that there is no real practical danger involved in this. The notifications have been in force for over five years, and the associations have really ceased to function. Where they have wanted to continue their activities, they have started under a new

Logic—Linlithgow

name and are functioning now, for instance, the Yuvak Sangh

instead of the Youth League, and the Mazdur Sabha, Cawnpore, instead of the Workers and Peasants Party, Cawnpore, and really the withdrawal of these notifications is not much more I hope than cutting away dead wood. There is perhaps a danger that the withdrawal of the notifications may lead to a movement for the revival of the organisations, but in any case it is always possible for organisations of this type to be started up again, as I have already explained, if there is any real demand for them.

To these two points I agreed on Sunday. The other immediate items in his programme were—

- (c) the withdrawal of pending prosecutions for sedition;
- (d) the cancellation of securities taken under Section 108;
- (e) the release of prisoners convicted under Section 124-A.

These were the matters about which a semi-official statement was made before I had given my assent, though I had had some general talk with him on the subject. I have looked into the details of these, and agreed. There is not much in them, only four released, for instance under Section 124-A, and two of these with sentences practically expired. In regard to persons convicted for offences connected with violence, which is a much more important matter, he proposed to examine the case individually and I hope we shall be able to arrive at reasonable conclusions.

9. When my present four Ministers were sworn in on Saturday, I addressed few words of welcome to them, and in particular stressed the point that behind all their far-reaching projects and policies there was an immensely important background. For a considerable time past Congress and the Government had been regarded as antagonistic forces. Now Congress are the Government. I pointed out that that fact demanded perhaps a good deal of mental adjustment. The great public services of the Province would now be engaged in carrying out the policy of a Congress Government. I said I was confident that their desire would be to perform their duties loyally towards those to whom their duty is now owing, and I added I was sure that the Ministers on their part would recognise that the services are the services of the Province, not of a party, and that so long as they carry out their duties to the Government loyally and efficiently, they should be able to feel that they will be treated on their merits. After the swearing-in the Ministers went down to the Secretariat and there Pant assembled the Secretaries and addressed them for about an hour. I attach a reports of what he said, which has been published in the papers. So far as I have heard the Secretaries felt that his attitude was sincere and not unfriendly, and on the whole I think the address did good.

Gandhi caps, refusal to have the meetings of the Council of Ministers at Government House, and so on. One Minister (Shukla) flies the Congress flag on his house, but that is as far as the first idea has got. It is extremely unlikely that the second idea will be even broached. As for the third, it is true that Dr. Khare enquired of the Chief Secretary whether it was necessary to meet in Government House, but on being informed that the Business Rules gave Government House as the meeting place, he said that he did not wish to do anything more about it. As a matter of fact, the Ministers seem to have laid themselves out to create a good impression. They were as considerate as they could be in the choice of rooms in the Secretariat and of bungalows; and have been full of cordiality and politeness to all the Government officers who have been to call on them. Calls have of course been paid in office. In view of the Faizpur resolution about social intercourse, Khare told Banerji personally that he wanted every one to understand that the Ministers were not out to make trouble. He also made tentative enquiries from him on the subject of intercourse between the Ministers and myself, being apparently afraid that, if the Ministers came to see me, I might ask them to some social function, and they might be put in the embarrassing position of having to refuse. I told Banerji to tell him that I should be very pleased to see any Minister who chose to come and call upon me in my office in Government House; and that as regards social intercourse I quite understood the position, and would certainly not embarrass the Ministers by issuing any invitation to them. At the same time Banerji was to tell him privately that if at any time they felt like forgetting about the Faizpur resolution—as about assurances!—I should be quite willing to take up social relations without any fuss. Khare came and saw me this morning and discussed his plans freely: but they are in so nebulous a condition at present that it is no use saying anything about them until they take more definite shape. He is evidently beginning to feel the difficulty of implementing the wild promises made to the electorate, as he does not want the budget session of the Assembly to be held till early September, so as to give him and his colleagues plenty of time.—

5. There has been considerable disappointment among the Scheduled Caste representatives, seven of whom were elected on the Congress ticket, at their exclusion from the Council of Ministers, and there has been some support in the press to their demand for a seat. A graduate and law-student named Agnibhoj, who was one of the seven, has written an open letter to Khare demanding a seat in the Ministry and threatening to resort to satyagraha if he does not get it. I understand that Khare has been very kind to the youth, having obtained a scholarship for him from Harijan funds and having secured his admission to the Law College. He has also promised him financial support from his own pocket. He thinks

that Agnibhoj is being exploited by some one who is out to make trouble, but he hopes to be able to settle the matter by giving him a Parliamentary Secretaryship.

6. After the fact that Ministers are undoubtedly setting out to create a good impression and to run straight, at any rate for the present, the most interesting part of the new situation is the effort to detect what lies behind it all, and what future developments are likely to be. Personally I think it is a great pity that there has been all this talk about Gandhi's statesmanship in bringing about the present settlement. In the days of my youth there was a certain type of American politician who was known as a "mugwump", which was interpreted as meaning "a man who sits on the fence and waits to see which way the cat will jump". The term seems to me to apply to Gandhi's feat. He sat on the fence until he saw that every provincial cat in the country was jumping in the same direction, and he then jumped off in front of them, crying "follow me". His reputation for showmanship and dexterity stands as high as ever it did; but the only trace of statesmanship which he displayed was in arriving at an understanding about the decision with Nehru, before even the Working Committee met, without driving Nehru out of the Congress fold.

7. I have an interesting report before me:—

"To begin with Nehru threatened open revolt if a resolution in favour of acceptance were passed, but was eventually persuaded to let things take their course without opposition. What arguments were used is not known, as the discussions were strictly secret, but it seems fairly certain that Mr. Gandhi has devised some plan of action which has satisfied Nehru. Otherwise there was no accounting for his apparent submission". I have little doubt that the factors which made Gandhi decide to give way to the pressure which Provinces were exerting were:—

- (a) the certainty that Section 93 would be brought into force, if the minority ministries fell and Congress refused office, and the knowledge that we were quite ready with our plans; and
- (b) the knowledge that the masses were not ready for any form of civil disobedience. There is ample evidence that all Congress leaders have been at pains to satisfy themselves on this last point—witness the anxious questions which Gandhi asked of Khare at his interview on June 20th (paragraph 3 of my last report). Any idea that the glass is at "Set-Fair" would be most dangerous. In a five-minute interview which Gandhi gave to one Studnitz, who is referred to in paragraph 9 below, he told him definitely that office was being accepted in order to wreck the Constitution.

8. Nor is the article which Gandhi published in *Harijan* on July 17th

in any way encouraging. He starts with an account of the Government of India Act and of the intentions of its framers which is a gross travesty thereof. After that, in the late Lord Rosebery's famous phrase, "he binds around his brow the fly-blown phylacteries of forgotten creeds"—prohibition, in a land which has never known it, and where illicit distillation is as easy as "eating pie"; education to be self-supporting, when the whole urge is towards making it free; jails to pay for themselves, thus strangling with subsidised competition the very industries, such as paper making, carpet weaving, rope making and the manufacture of country cloth, which his own Village Industries Association is intended to foster. It is difficult to see any traces of "Statemanship" in such a programme. As for prohibition, Khare told me that the Ministers do not intend to touch it, at any rate for the present.

9. The German Studnits, whom I have mentioned, is special correspondent of the Scherverleg, a news agency of Berlin. He arrived at Wardha on the morning of the 7th and went straight to the Working Committee camp, from which he wired as follows:—"Wardha, little town Central India, today became stage of world historic events when Congress Executive formed by Gandhi, Nehru, and 12 others decided for acceptance of office as proposed by Viceroy. First step to self-government, but as leaders expressed to your correspondent who only present European acceptance only instrument to sharpen struggle for complete independence." After his arrival at Wardha he met practically all members of the Working Committee in the camp and had special interviews with Nehru and Gandhi. He had an hour's talk with Nehru, and was much impressed by his intelligence and attainments and aristocratic bearing; but he had no use for Nehru's somewhat nebulous ideas as to who would defend India if it obtained its independence. He remarked that Nehru appeared to have forgotten the fact that it is a thousand-year-old dream of Russia to possess India. Gandhi seems to have given him exactly five minutes, and at the end of that time told him curtly that time was up, and refused to say another word.

Yours sincerely,

HYDE GOWAN

379

*Telegram from Secretary of State to Governor-General on Viceroy's Meeting Gandhi**L/PO/6/100*

22 July 1937

IMMEDIATE

1937. Your telegram of 21st July, 773-G.¹ I entirely agree as to your inviting Gandhi, and anticipate no serious embarrassments here. Indeed it seems to me that the present opportunity is a good one which should not be missed. I should be afraid however that Gandhi might have some difficulty in accepting your invitation unless he knows at the same time that you contemplate seeing Nehru also. If you feel it better not to send a simultaneous invitation to Nehru as you proposed to do in your letter of 8th April, would it not at least be possible for you, in writing to Gandhi, to say that you were desirous of making Nehru's acquaintance also but that you were doubtful as to his attitude on receiving such an invitation, and that you hoped, therefore, that he Gandhi would be prepared to give you his views on this point when you meet. So far as I am able to judge there is no need to apprehend serious Moslem reactions and, unless there are untoward developments, I see no occasion for anything in this respect beyond what is suggested at the end of your second paragraph.

¹ See No. 375.

380

*Viceroy to Erskine on Hoisting of Congress Flag on Chief Minister's Residence and Public Buildings**Erskine Papers*

23 July 1937

Haig reports that Pant has hoisted the Congress flag over his residence. He proposes to take the line that the residence is a private dwelling (even though provided by Government) and that a Minister can do what he likes in it, but to take the opportunity tactfully to make it clear to him that he could not agree to any kind of proposal to hoist the flag on a public Government building used for public purposes. I have agreed, adding that he should stress the phrase "Government" so as to avoid suggesting that the prohibition extends to municipal buildings.

381

*Viceroy to Erskine on Government's Position Regarding Flying of Congress Flag
on Municipal Buildings*

Erskine Papers

24 July 1937

Your telegram No. 87 C of July 23rd. As I understood it, we are not in a position to prevent Congress flying the flag on municipal buildings, but I had already asked the Govt. of India to investigate the legal position on that point and await their reply. But it goes without saying that, if Rajagopalachari is prepared to abstain from flying the flag on such buildings irrespective of the legal position, so much the better. I will of course let you know at once the result of the enquiry the Government of India are making into this point.

382

Linlithgow to Brabourne on Governors' Right to Preside over Cabinet

Linlithgow Papers

VICEROY'S CAMP,
25 July 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR BRABOURNE,

Many thanks for your very interesting report of 19th July.¹ I am glad to have this report both of the closing stages of the Minority Ministry and as regards your conversations with Kher about which we have already been in telegraphic communication. I was amused by your account of the joint photograph. I met myself for the first time Congress Ministers in Bihar on my way here a couple of days ago. As you will have seen I went to see the victims of the Bihta railway smash in hospital, and Hallett had presented his Premier and one other of his Ministers. He had been in some doubt as to whether they were likely in

¹ See No. 369

fact to turn up, and I asked him to convey to his Ministry from me that I appreciated their difficulties and if they felt any difficulty or hesitation in being present to greet me, I could quite understand it. Much to my satisfaction they were both there. They were still I thought a little nervous and uncertain in their new surroundings. They were extremely friendly and shook hands, and talked to me informally for a little while. I sincerely trust, now that Congress have taken steps and have decided on office acceptance, that it will be possible to get over the personal difficulties which they have in the past raised about social contacts. I am sure you will agree with me that from their own point of view the course of wisdom very definitely lies in their doing so and that they have everything to gain by establishing those informal relations which contribute so much to harmonious co-operation between the Governor and his Ministers, and to the implementing of their policy.

2. If the Mahatma accepts my invitation to come and have a talk with me, I hope that it may be of value for the same reason. Let me say in this connection how grateful I am to you for the very valuable advice you gave me, which coincided with that given to me by Anderson and Hyde Gowan, and has since been accepted by the Secretary of State.

3. I have just had your telegram about your further discussion with Kher about presiding over Cabinets. I hope that he will be able to fall in with our view on this matter. I do feel that it is of real and essential importance that we should make no concession on this matter of the discretions and individual judgements. The whole trend of the Congress policy is likely in these earlier stages to be to concentrate on persuading us to make some such concession. One reason for this obviously is that so long as the Congress Central Committee maintains its control over Ministers in the Provinces, those Ministers will be anxious to show the best results possible to their masters, while quite apart from that they will be very uncertain indeed for some time to come as to the extent to which they can safely or wisely compromise with the Governor on any point of principle. Equally however from our point of view, and the enquiries I have received from various Governors as to the interest shown by their Congress Ministers in the line of action adopted elsewhere are directly relevant in this connection both because of the co-ordinating activities of the Central Committee and because of the speed with which Ministers in one Province follow Ministers in another with the line taken locally on matters such as the release of prisoners, Advocate-General, presiding over Cabinets, &c., I think it essential that we should preserve a common front. I am quite clear that a breach in the line in any single Province must be followed by corresponding concession in other Provinces, and while were we able to deal with this matter entirely provincially and in isolation, we need not apprehend so much difficulty

with Parliament. The cumulative effect of concessions which would result in the abandonment in practice of the Governor's right stipulated in the Act to preside over the Cabinet meetings or the like could not but in my view play into the hands of the diehards at home. I do not myself, believe that a Congress Government, at the stage things have now reached, is likely to take the risks involved in demitting office on a point such as the Governor's right to preside, and for this reason I am all the more disposed to avoid any concession or any appearance of a concession over such matters. I very much hope therefore that your persuasions will have had the desired effect upon Kher.

4. I write from John Anderson's launch which he was kind enough to lend me for a river trip from Goalundo Ghat in your new domain to Gauhati. I am sure that the journey up on this fascinating river is the most remarkable in many ways of any I have seen in India and not the least of the natural attractions you can look forward to in Bengal. We have been so lucky as to coincide with the breaking of the monsoon. There is no rain, and though it is sticky, the views are quite admirable, and the river itself in its breadth and smoothness a revelation.

Yours ever,
LINLITHGOW

383

Sapru to Lothian on Political Situation after Office Acceptance (Extract)

Sapru Papers

26 July 1937

.... Upon landing in Bombay I met....some friends, including Jayakar. I was told that the feeling among the rank and file of the Congress was very strong that Congressmen should accept office. The Mahatma was led to believe by some people that the party in the Congress opposed to acceptance of office was very strong. Then some friends of his, men like Rajagopalachari and Vallabh Bhai Patel, told him that he was under a wrong impression and that the position was very different from what he had imagined it to be. I was further told by friends, ... that Jawahar Lal himself realised that there was a very strong and growing feeling among Congressmen that Congress should accept office. He then yielded to the strength of public opinion among his followers. That is how the Congress came to change its attitude.

I was at Lucknow two days ago and after finishing my professional work in court I met a number of people—Congressmen and non-Congressmen, Englishmen and Indian—and I was very gratified to know from Dr. Katju—one of the Congress Ministers—that he and his colleagues were getting on splendidly both with the Governor and the permanent officials in the Secretariat. This was confirmed later in the evening by Mr. Gwynne, the Chief Secretary, who met me at a dinner. . . . In my opinion, however, it is too early to judge of the position from what has happened during the last ten days. There is no doubt that Jawahar Lal Nehru and some others will try to control the Ministers from outside. At the same time I have equally little doubt that some, if not all of the Ministers, will very strongly resent this outside control and interference. The real danger of the situation is that these people are talking of reducing the salaries of the Provincial Service. I feel very strongly for the services and I think it would be a great misfortune if they tried to reduce their salaries. . . .

Meanwhile I am most anxious to write you again about the Allahabad University. I have had a talk with the Vice Chancellor. . . . He and I are most anxious that you should come out to deliver the Convocation address at the Allahabad University. It will attract notice all over India. . . .

384

Jinnah's Rejoinder to Rajendra Prasad Regarding Alternative Agreement¹

26 July 1937

I have seen the report of the statement of Babu Rajendra Prasad under the heading "Rajendra Babu returns to the charge".

Babu Rajendra Prasad begins by saying:

"I have seen Mr. Jinnah's statement regarding the breakdown of the Delhi negotiations. I am afraid that there is nothing in my statement which I should withdraw".

The statement that I complained of was made by him in his interview which was published on July 6, 1937, in which he stated: "It is not correct to say that even a certain section of the influential Congress leaders was deadly opposed to the formula." I think he must be satisfied now after the statement of the Bengal leaders who say that is not true.

In what he characterises as a "sporting offer" he makes another

¹ Jamil-ud-Din Ahmed, *Historic Documents of The Muslim Freedom Movement*.

statement which also is absolutely incorrect and without foundation. He says: "I am making a sporting offer to Mr. Jinnah, that I offer to get the formula accepted by the Congress even today if he offers, as he had done then, to get signatures to it of all Mussalman leaders barring one or two whom he had named to me."

It is a conditional offer devoid of any sporting spirit. In the first place I never offered to get signatures to Babu Rajendra Prasad's formula of all Muslim leaders barring one or two whom I had named or any leader. Babu Rajendra Prasad has forgotten the genesis of our conversations. I was requested by Babu Rajendra Prasad and other Congress leaders to meet him, and the question was how to put an end to the bitter controversy that was raging at the time over the Communal Award until a substitute was agreed upon between the communities concerned, and that we should utilise the Provincial Constitution for what it was worth and carry on our united struggle until we secure a constitution for our country which will satisfy our people. This was not acceptable to Babu Rajendra Prasad and his friends.

Next, it was suggested that if they could propose a substitute on the basis of joint electorates which would be more in the interests of the Mussalmans than the Communal Award, would I then consider it? I naturally said, if any such proposal came with the universal support of the communities concerned, namely, the Hindus and Sikhs, I would place it before the session of the All-India Muslim League without delay and in my reply to his letter asking me to meet him I wrote as follows:

Dear Rajendra Prasad,

Thank you for your letter of the 24th instant. I have consulted a few friends and I should be glad to meet you in my individual capacity for the purpose referred to in your letter as requested by you.

Yours sincerely,
M.A. JINNAH

I had no authority from the League to come to any agreement and my position today is exactly the same as before. It is somewhat astonishing that Babu Rajendra Prasad should have adopted the method, the manner and the channel of approach, through which he flung this "sporting offer", with regard to an issue which involves the fate and the future of eighty millions of Mussalmans and the country at large. In all seriousness I appeal to him, does he think that this is the right way to open negotiations, through the channel of the press for the settlement of this vital and far-reaching question? His "sporting offer" amounts to this, that I must get the signatures of all Mussalman leaders from all over India except one or two and request him to get it passed by the Congress.

Surely if a substitute for the Communal Award which the Mussalmans have already accepted is to be proposed, it can only come from the Hindu and Sikh leaders who are opposed to it and the two communities directly concerned. I can repeat now what I said when we commenced our talks at Delhi in January, 1935, that if Babu Rajendra Prasad is so sure of getting the Congress to adopt his formula as a substitute for the Communal Award, and informs me to that effect with the authority and sanction of the Congress, I will place it before the All-India Muslim League without delay.

I do not wish in any way to make the course of negotiations or settlement difficult. But I must say in self-defence that the sudden change of front and the manner, the method and the channel, namely the press, that are adopted and what is being reported in newspapers about a few Muslims in the United Provinces threatening to leave the Muslim League if I do not carry out what Babu Rajendra Prasad has enjoined me to do, lead me to suspect that it is not a genuine desire for an honourable settlement, but is an attempt to divide the Mussalmans, to split the Muslim League and to strike a blow at unity among Mussalmans for which I have been working. For until yesterday, not to go beyond the Faizpur resolution, according to the pronouncements of Pandit Jawaharlal Nehru, speaking with the authority of the President of the Congress, the position was that "to talk about the rights and interests of the minorities and their safeguards was utter nonsense." The Congress, according to Pandit Jawaharlal Nehru and the Secretary of the Congress, in their latest statements, was out to destroy the Communal Award, as it was not acceptable to them and we were told that if we wanted any settlement, we must apply to the Hindu Mahasabha.

In the meantime the Congress policy was that Mussalmans should join the Congress unconditionally and sign their pledge. After the Congress was flushed with its majority in six provinces, it deliberately decided to ignore, nay, decided to non-co-operate with the Muslim League Parties in the various Provincial Legislatures, and they have in forming the Ministries vindicated the justice and the fair treatment to the minorities urged and promised by Mahatma Gandhi very recently by having made a good feast of all the loaves and fishes that are at present available for the Congress Party in the various Legislatures and getting a stray Mussalman to exchange a pledge overnight to accept Ministry the next morning. I regret that I should be obliged to point out these matters and that I should have to resort to a post-mortem inquisition. As to Pandit Jawaharlal Nehru's statement² which appears side by side with that of Babu Rajendra Prasad on the 20th July, what can I say to that busy-body President? What does he know of what took place between me and Babu Rajendra Prasad? He seems to carry the responsibility of the whole world on his shoulders and must poke his

nose in everything except minding his own business. Again he comes back to another point with regard to the statement which was alleged to have been issued by me as an appeal to the voters of Bundelkhand-Jhansi electorate which I have already repudiated and said that no such statement was issued by me.

I assure the Mussalmans and the public at large that I am not in the slightest degree affected by anything that has happened in the past and nobody will welcome an honourable settlement between the Hindus and the Mussalmans more than I and nobody will be so ready to help it, and as an earnest on my part I sent a message to Mr. Gandhi when he was at Tithal only in the month of May last appealing to him to take up the question of Hindu-Muslim settlement and concentrate his great influence and efforts to which I received the following reply on May 22, 1937:

Dear Mr. Jinnah,

Kher has given me your message. I wish I could do something but I am utterly helpless. My faith in unity is bright as ever; only I see no daylight out of the impenetrable darkness and in such distress I cry out to God for light.

Yours sincerely,
M.K. GANDHI

In conclusion, I want to say a word to Mussalmans. Those few waverers who are ready or about to betray us for jobs need not seek excuses of loopholes to justify their threatened secession from the All-India Muslim League. They may go, but those members of the League, if they have a shred of conscience left, should tender their resignations and contest the seats again on Congress ticket. I am sure that the All-India Muslim League will be all the better without such men. To those who suffer from defeatist mentality I say, have courage and faith, *Delhi dur ast*; and I say to all Mussalmans of India to organise, consolidate and establish solidarity and unity. Service, suffering and sacrifice are absolutely essential conditions before we can achieve anything big and secure our rightful place in the national life of our country.

385

*Anderson to Linlithgow on Detenus in Bengal**Linlithgow Papers*

27 July 1937

[CONFIDENTIAL]

MY DEAR GOVERNOR-GENERAL,

I am now in a position to send you a self-contained report on the question of detenus in Bengal.

It is convenient to recall briefly the policy followed by the late Government during the last year and a half of its regime. Up till 1935 the number of persons under restraint had continued to mount. During 1935 fresh arrests continued: on the other hand, a policy of discriminating release in selected cases had also begun in 1935 and on the results of the year as a whole something like equilibrium was reached. In that year also schemes for training detenus in useful occupations were announced and by the early part of 1936 had come into operation: successive batches of detenus have been passed through the training centres and in the great majority of cases have been released after the completion of their training and aided under supervision to set themselves up in useful undertakings.

With the improvement of the situation further release and relaxations took place in the early part of the year either through the medium of the training camps or by transfers at successive stages to village domicile, followed by home domicile, followed where possibly by unconditional release or release under light surveillance. At the beginning of April this year the actual figure for detenus in these typical stages were as follows, as compared with the preceding April:—

| | 31-3-36 | 31-3-37 | 12-7-37 |
|----------------------------|---------|---------|---------|
| Number in jails and camps | 1,416 | 1,048 | 842 |
| Number in village domicile | 869 | 853 | 861 |
| Number in home domicile | 213 | 182 | 248 |
| Number in training camps | 85 | 134 | 143 |

These figures do not include all forms of restraint but are a sound index.

Such was the position when the present Government assumed office. As you know, it is a coalition and the bulk of the voting strength in the Assembly is Muslim. Mr. Fazlul Huq's Proja Party which formed the left wing of the coalition had included in its original programme the

“repeal of repressive laws and release of political prisoners and detenus” When the coalition was formed this item was included in the joint programme with the important qualification “so far as consistent with public safety”. The non-Muslim Members of the Cabinet consist of three caste Hindus, one of whom was formerly a Member of the Congress, and two scheduled caste representatives. The caste Hindus do not command numerically strong support in the Assembly and it may well be imagined that considerable pressure has been brought to bear upon them with regard to this question.

I have been all along anxious that Ministers should make up their own minds on this matter but that in doing so they should take a realistic view of their responsibilities and not be stampeded by mere agitation or by appeal to irrelevant principles of a general nature without considering the facts. With this in view I had placed before the one or two individual Ministers chiefly concerned for their consideration certain statements of general principle and past experience of this problem in Bengal and had urged upon them to go into the matter thoroughly with the responsible permanent advisers of Government who had all the material at their disposal. This they did and, while I was at times apprehensive of a land-slide, statements made by the Chief Minister nevertheless indicated to the public that the Ministry would not be prepared to accept the principle of wholesale release without considering both the actual situation and the merits of individual cases. For this reason, though tempted to do so, I refrained from making any public utterance dealing directly with the facts which were at issue and the actual considerations that would have to be raised. While at Dacca I received a definite assurance from the Chief Minister and the Minister chiefly concerned that there would be no question on their part of mere unthinking release and that they themselves would be prepared, after a decision had been taken, to make and justify any statements of policy necessary. It was in the light of these conditions that I made in my farewell speech at Dacca a reference to this question of which I enclose a copy. After further continued consultation with his permanent advisers, the Home Minister brought the matter up formally in Cabinet on the 23rd: from that meeting I was intentionally absent in order that Ministers might discuss the matter with utmost freedom both in the light of the facts and with due regard to their own political fortunes.

The conclusion provisionally reached at that meeting was further discussed at a meeting on Saturday, 24th, at which I presided. The results of that meeting can be summed up in general terms as an unanimous decision on the part of Ministers to carry through a policy expressed by the following formula:—

“The policy of Government will be to go to the farthest limits consistent with public safety. They will give effect to that policy by a

gradual, though not unduly dilatory, process so that at each successive stage they may be guided by the experience of the immediate as well as the more remote past. Until it is clear that terrorist methods have been abandoned for the future, Government must pay due heed to the experience of the past; but the process of release can be accelerated in proportion to the co-operation and support given to them by the public in rallying opinion against terrorist methods and in preventing a recrudescence of terrorism and other violent subversive movements."

The actual discussions at that meeting are however of more than usual interest, and for this reason I enclose a copy of the full record. I also append to it a copy of statement made by Subhas Bose to which reference is made.

I can see no reason in the discharge of my own responsibility to differ from the formula above quoted, and it now remains for the Ministry to place this policy before the legislature with a view to carrying it through. That they will meet with fierce opposition is clear, but their own belief is that on these proposals their majority will hold together.

Yours sincerely,
JOHN ANDERSON

P.S.V.—

The existence and availability of so complete an account of a meeting of the Ministry at which the G was not presiding is of interest. I do not think we are aware of practice in other Provinces in this matter.—Linlithgow. 5-8-37

[ENCLOSURE TO THE ABOVE LETTER]

EXTRACT FROM FAREWELL SPEECH AT DACCA

Bearing this in mind you will not expect from me, Gentlemen of the Municipality, a statement of policy regarding the subject of detenus upon which, though not municipal in nature, you have been moved to express the depth of your feeling. You have, I believe, already expressed your feelings on this question to Ministers and have received from the Chief Minister, as their spokesman, an indication of the manner in which my Government is approaching this problem and the general line of policy which they propose to adopt. I do not propose to amplify or interpret what my Ministers have said; and in fact with the session of the legislature so near at hand, it would be doubly inappropriate for me to make now any detailed statement of the kind which it would be eminently fitting for Ministers to make them. I may, however, dispose here and now of the suggestion that the apparent delay on the part of Ministers in making definite and final pronouncements in this matter has

been due to some disagreement between myself and my Ministers. I can say categorically that there has been no such disagreement and I cherish the hope and belief that no such disagreement will in fact arise. Ministers have their duty and I mine, but our responsibilities in this matter are co-extensive. Moreover, we have to decide upon exactly the same material and we share the natural desire that the enforcement of emergency measures, involving preventive detention without normal legal process and various other abnormal restrictions upon personal liberty, should be brought to an end as soon as due consideration for the public safety will allow. I would however ask you to bear in mind the responsibility with which Ministers are charged in this matter—a responsibility which is in no way ousted or undermined by the existence of a special responsibility on the part of the Governor: that responsibility with which Ministers are charged requires and justifies on their part a thorough and conscientious examination of the whole matter: such an examination they have been engaged in making and I would ask you in all fairness to await its results.

May I say one thing more on a note which I should hesitate to strike if this were not a very personal occasion. I am drawing near the end of my term as Governor of Bengal—a term which I know was heralded by copious references in the Press to my experiences or supposed experiences in Ireland. I recognise with gratitude that since I came here the vast majority of people have been content to judge me by my work in Bengal and that no doubt is as it should be. But I am aware that even now hints are dropped here and there that a liberal view could never be expected from anyone who had served the Crown in Ireland during what were called the “troubles”. I have never talked about my work in Ireland. What I did or refrained from doing is a matter in which I was answerable not to public opinion but to the British Cabinet and I would not say what I am about to say even now were it not that by so doing I may remove misapprehensions and thereby serve a public interest. With this in mind I think there is one disclosure which after a lapse of 16 years may be made without impropriety. When in 1921 in pursuance of a treaty the British Government were about to transfer to Irish Ministers responsibility for what is now the Irish Free State, there were many Irish prisoners still in gaols as a result of the preceding conflict. As the principal permanent adviser of Cabinet Ministers in such matters I had to consider the situation and with full knowledge of all the facts and circumstances and after weighing up possible consequences and reactions with the greatest care I recommended the release of those prisoners. That course as a matter of fact was followed. Whether it was right or not is not now in question and I must ask you not to draw any analogy as regards the present situation from this personal reminiscence:

the facts and circumstances were so different from those of Bengal that no practical inference can be drawn for us—except this one inference which you may perhaps be good enough to draw, that I do not approach and never have approached such questions with any bias in favour of keeping people in custody merely for the sake of doing so.

Extract from Minutes of the Proceedings of the Council of Ministers

[Secret.]

2. *Considered* item (1)—Policy of Government with regard to detenus.

H. C. M. observed that a dangerous situation was being created by writings in the Press which amounted in fact to incitement to violence. He referred to a statement of Subhas Chandra Bose (copy filed herewith) which began with a threat of agitation all over the Province. He took a more serious view of the possibilities of such agitation than did Mr. Nausher Ali. The Indian Press Emergency Powers Act was referred to and it was pointed out that those who were raising this agitation claimed not to be inciting to terrorism but to be demanding the release of persons who, according to them, had nothing to do with terrorism.

H. C. M. attached great importance to Mr. Bose's statement which to his mind meant that they must either give in to Mr. Bose at once or take a firm line and adhere to it.

H. M. Home, then laid before the Council the summary of proceedings of yesterday's meeting. Certain proposals had been discussed there and the object of today's meeting was to settle definitely what policy Government would adopt. The basis of the policy was relaxation and release as far as possible consistent with public safety. As regards immediate action, apart from releases and relaxations being made in the ordinary course, he proposed, with the concurrence of Mr. Fairweather, that save in exceptions cases giving due reason to the contrary those who were in home domicile for three months would be released or subjected only to light surveillance. He would not announce the actual period, but in fact this would mean that the number of persons whose cases would thus be considered by the end of the session would be about 250. He proposed that in cases where the Additional Secretary in consultation with the D.I.G., I.B., could not recommend this course for home internees, the papers of the case would be considered by a committee of three Ministers—the C. M., himself and Mr. Sarkar.

The Hon'ble Mr. Sarkar observed that Government at this rate would not be able to claim release of as many as 500 and enquired whether the period could not be reduced.

His Excellency observed that Government could say on these figures

that there had been an intensive effort. They would also be in a position to say that 900 had been recommended for relaxation of one kind or another and that the process was intended to be progressive. His Excellency compared the present figure of about 840 detenus in camp against something like 1,900 at its highest. The three months period in home domicile was essentially probationary and was intended to see whether or not the detenus went back to their old associates.

H. M. (Mr. Suhrawardy) pointed out that the advocates of release alleged that the cult of terrorism was dead—an allegation which His Excellency characterised as palpably false in view of the facts.

H. C. M. referred to Subhas Bose's statement which altered the situation. They had decided yesterday that if guardians gave undertakings in individual cases much more might be done, but Mr. Subhas Bose's statement was to the effect that the cult of violence had disappeared and that he and others would redouble their efforts to discourage it if there were a general release. The question was whether they could act on that statement. If so, they must do so at once, otherwise they must be prepared to maintain a firm attitude to the end. In the same statement Mr. Subhas Bose made it clear that his campaign would be for the release of all prisoners including those in the Andamans. After saying that, he proceeded to talk about non-violence. He thought however they might have to discuss with Mr. Fairweather the value of such assurances on Subhas Bose's part. He was personally against dismissing this matter summarily. The detenu question was in fact taking up a lot of their time and if the assurances were of value and could be acted on, they could get much more freedom for ordinary administration. They must recognise that if they did not accept Subhas Bose's offer, they must be prepared for trouble. They must decide either to give in now or to go right through with it. It was no use tinkering with the matter. So far as political support was concerned, he thought the Moslems would stand firm in any case.

H. M. (Mr. Suhrawardy) observed that the present agitation might quite possibly lead to a recrudescence of terrorism either among those who had been released or among others who might all along have been at liberty. In that case Subhas Bose's assurance of non-violence would not carry any weight in practice. The question they had to decide was whether there was still a nucleus of terrorism existing. Subhas Bose's contention was that the inmates of prisons and detention camps were not thinking in terms of terrorism but of socialism in the mass movement. They had to consider how far this change had really taken place.

His Excellency observed that the change in outlook was this: they had realised that terrorism was not paying now; they had not abandoned it on principle but as a matter of expediency. This was clear from the fact

that they were keeping their old organisations alive under the guise of other names and still attempting to collect arms. Their ultimate aim was mass revolution so they said, but the organisations were still there.

H. M., Home, enquired what was the value of Subhas Bose's offer. The Bengal Congress had always talked of non-violence, but that had made no difference to violence in practice. Subhas Bose's talk of non-violence would have no effect as terrorists simply despised non-violence. Secondly, how would Subhas Bose and his friends carry their assurance into effect. They had never condemned terrorism and even in his present statement by his reference to belated justice he implied that these detenus had been the victims of injustice. The whole trend of his statement was a threat first and an appeal for "belated justice" afterwards.

H. M. (Mr Sarkar) observed that the offer was certainly not a sincere one, but that did not remove the necessity of Government having a clear policy.

H. M. (Mr. Nausher Ali) observed that Government and its opponents were approaching this problem on premises that were absolutely irreconcilable. The other party demanded unconditional release of all persons and did not admit that any of them were terrorists. Government's case was that terrorism was an undeniable fact. They had taken powers to root out terrorism by shutting up a number of detenus and in fact terrorism was now under control. The point for decision was whether circumstances had in fact so changed that all on a sudden these powers could be withdrawn absolutely. If Government were satisfied that in the interest of the country these powers could not be withdrawn, then they should not care in the least about Subhas. In pursuing a policy of release Government should release a man when satisfied that he had undergone a change of mentality. In his view there could be no question of even conditional release of all detenus. They were charged with a duty in the interest of the country and must stick to that. As regards the question of the general principle that nobody should ever be detained without trial, there was a complete answer to that in the draft speech of His Excellency which had not been delivered.

H. M. (Sir B. P. Singh Roy) said that he assumed that Government was satisfied that general release was impossible. The assurance of Subhas Bose was valueless. It was perfectly well known that he himself was a terrorist leader.

H. C. M. desired to clear his own position. He was perfectly prepared to justify the policy of detention without trial if they decided to reject Subhas Bose's offer out of hand. But even so, they could not go on keeping people in custody till they died off. It might be possible to take a risk on the assurance of all political leaders. If they refused to take the

risk, could they hold on to their policy till the end? If they could not, it was better to take the plunge now and let them all out on a satisfactory assurance.

H. M. (Mr. Suhrawardy) observed that the proposals put forward by Sir Nazimuddin did not involve rejecting the assurance. They could say to Subhas Bose—"we appreciate your assurance, go ahead and wean people away from violence as you ought to do, meantime we shall go as fast as we can and judge by results".

His Excellency, with regard to the question of irreconcilables, pointed out that if Government followed a policy justified by results and if those hitherto addicted to terrorism were gradually absorbed into ordinary society, there would come a time when they could release the irreconcilables without risk because the irreconcilables would find no material to work on.

With regard to H. C. M.'s anticipation of trouble from a campaign of agitation, H. M. (Mr. Nausher Ali) observed that they would not be justified in subjecting the country to the risk inherent in general release merely to avoid that agitation.

H. M. (Nawab Bahadur of Dacca) said that if Subhas Bose offered to support Government in future in any measure they might take, however harsh, to deal with recrudescence of terrorism, he might agree to accept his offer, but the proposal of Mr. Bose as couched was a pure threat to Government. He agreed however that the general release of the whole lot would have an immediate good political effect.

H. M. (Mr. Sarkar) was of opinion that it was no good listening to Subhas Bose's offer. The terrorists had their own leaders who would not listen to Subhas Bose in their own localities. He would be quite prepared to give Subhas or Sarat Bose the custody of one or two terrorists whom they could manage, but it was out of the question that they could manage the lot. He would far prefer to entrust terrorists to individual district leaders under assurance. His practical suggestion was that they should release all the home domicile detenus save in exceptional cases, and that if they could find men who would take responsibility for two or three detenus, he would release such detenus if their records were not too bad. He agreed however on explanation, that if the method proposed by H. M., Home, to deal with the home internees were adopted so that there would be a good number released by the end of the session, that would go a long way to create the impression he desired.

H. C. M. suggested saying that Government should release if their guardians came forward.

H. M. (Sir B. P. Singh Roy) emphasized the necessity of being assured that people who came forward to give assurances were responsible people and not people who simply wanted to exploit the detenus. Government must be satisfied with their credentials.

It was agreed however that there was no objection to saying that Government would consider releasing into the custody of responsible people.

His Excellency then put the first question whether the Cabinet's provisional decisions of yesterday (viz., the policy of gradual release at a rate to be determined by experience) should be modified in the light of Subhas Bose's statement.

Ten Ministers were unanimous that it should not be modified and H. C. M. accepting that view observed that in that case Government must be prepared to deal strictly with the situation.

His Excellency observed that if the legislature supported them in their policy they could be firm. What he took H. C. M. to mean was that they should have a decided policy. He observed that there were two types of politicians—one with an extreme policy but vacillating in enforcing it, and the other with a moderate policy but resolute and ruthless in carrying it out. Experience showed that the second type succeeded. Stalin in Russia was an instance of the second type. Government might take the line that they were responsible and not their opponents. They were not going to be deflected by agitation and intended to bring conditions to normal as rapidly as possible. That was their position and they would resist any attempt to deflect them. He suggested that their policy might be briefly explained as follows:—

“The policy of Government will be to go to the farthest limits consistent with public safety. They will give effect to that policy by a gradual, though not unduly dilatory, process so that at each successive stage they may be guided by the experience of the immediate as well as the more remote past. Until it is clear that terrorist methods have been abandoned for the future, Government must pay due heed to the experience of the past, but the process of release can be accelerated in proportion to the co-operation and support given to them by the public in rallying opinion against terrorist methods and in preventing a recrudescence of terrorism and other violent subversive movements.”

The statement was unanimously accepted.

H. M. (Mr. Suhrawardy) added that they proposed to keep irreconcilables not until they changed, but until the atmosphere outside made them harmless. The opponents of Government could co-operate in creating that condition first.

Details were then mentioned.

H. M., Home, explained that he proposed to say that 900 cases had been brought under review for relaxation and before the end of the session all persons now in home domicile would be released save in exceptional cases. The dates of transfer to home domicile would be adjusted accordingly. Concurrently with this others in camps would be transferred to village domicile. Their cases would be then considered

with a view to transfer to home domicile. He referred to the proposal to release under suitable care those who were seriously ill.

His Excellency quoted instances where invalids had proved to be very dangerous and suggested that the statement should not be unqualified.

As regards releasing those who could find employment with reliable persons, it was agreed not to say in so many words that it would be a condition that the persons looking after them should prevent them from engaging in subversive activities, but to cover this by the general expression "in suitable cases" and to see that in fact it was so.

With regard to the question of allowances, the existing principles on which allowances were granted were explained; in fact persons in receipt of them were in a very comfortable position. H. M., Home, proposed:—

- (1) that family allowances should not stop at once if they were justified, but should continue for six months or a year at the most until the detenu got work and might be increased by Rs. 10 on account of the detenu's own maintenance; and
- (2) that detenues who would be a burden on their families when first released should be given an allowance of Rs. 10 to Rs. 15 a month for six months or a year until they found employment, but not for more than six months or a year. This would be justified on the ground that Government having paid them allowances so long should not suddenly throw them on the streets without resources, and it was undesirable to leave them destitute and searching for employment, thereby creating undeserved sympathy and possibly going back to their old habits.

In formulating the statement however the maxima should be stated, but the administration of such allowances should be elastic.

H. C. M. desired this to be deferred for a further meeting between Ministers on Monday. He thought it was wrong to differentiate between detenues and ordinary criminals who suffered equally when released from jail.

With this exception the proposals of H. M., Home, were approved.

The matter having been decided, His Excellency made a personal statement. He took it, he said, that Government had decided upon the general policy embodied in the formula accepted and that there would be no wobbling. The details of the policy and the rate of progress would depend on circumstances. He would let the Viceroy know what had happened as soon as possible. Personally he had had long experience in dealing with questions of releases from custody. He had always attempted to deal with such cases sympathetically, but it was most dangerous to allow sympathy for the individual to obscure the interest of the public. He thought that there was a substantial risk of a recrudescence of vio-

lence in Bengal. There was a mass of recent reports all of which had been seen by H. M., Home, regarding the activities of people who had already been released. Nevertheless there was a possibility that with the constitutional changes that had taken place, the impetus to the terrorist movement in so far as that impetus was a desire to drive out the foreigner might have been reduced. What had weighed with him in advising release in Ireland was that he thought the change there so complete that old enmities would be forgotten. In general this anticipation had proved right with two or three exceptions, notably that of Sir Henry Wilson. The unexpected thing that did happen was a split in the national movement itself which resulted in a period of the most serious violence during which the Free State Government had to use artillery. In the first period of that régime the Free State Government hanged about 80 Irishmen as against not more than six in all hanged by the British Government. Here in Bengal it could not be said that things had yet settled down. Nobody could prophesy with certainty what the conditions would be. In considering the risks involved he did not merely consider the danger to the life of this officer or that officer or the danger that the families of Indian officers would live in a state of terror. The greater risk was that if people who were essentially loyal and who ought to be supporting Government lost their faith in the ability of Government to protect them, they might take the law into their own hands and Government would be between two fires, in the position of having to deal not only with the terrorist or the revolutionary, but also with the exasperated people who ought to be law-abiding and supporting them. Though it could not be said publicly, such a situation had happened in Chittagong after the murder of Inspector Ashanulla and they knew the consequences, involving the retirement of the District Magistrate and the suicide of Mr. Shooter. He himself had impressed most forcibly on the officers of Government their responsibility for preventing situations such as this from happening and in fact it was only the steadiness of the responsible officers on the spot that prevented the whole town of Midnapore from going up in flames on the night of Mr. Burge's murder. The facts would never be known publicly and at the time Sir William Prentice and himself had been criticised by the European press for interfering with the freedom of action of the local officers. The truth was that it was the steadiness of the local police officers themselves that prevented the greatest possible disaster to civilised Government.

STATEMENT BY MR. SUBHAS CHANDRA BOSE

When I left Bengal in April last I intended not to issue any statement on the situation there until I returned to active service. But as the political situation there is worsening daily and my absence has to be

prolonged for reasons of health, I feel called upon to break my self-imposed silence.

Four months' experience has shown us that Bengal has been saddled with the most reactionary Ministry in the whole of India. Though no one had expected anything big from the Khwaja-Huq Ministry, I am sure that nobody had bargained for the profound disappointment that has now overtaken the Province.

After his lavish promises for solving the Province's *dal bhat* problem, his stentorian demand for the release of detenus and the elaborate nation-building programme of his Proja Party, people naturally expected that Mr. Fazlul-Huq as Premier would put into practice at least a fraction of what he had professed. But little did they know that like a great American servant Mr. Huq believes that consistency is the hobgoblin of little minds.

Throughout the world the inauguration of a liberal régime has always been heralded by amnesty for political prisoners. In Bengal, where over 2,000 detenus are still incarcerated without trial, where there is a large number of convicted political prisoners, many of whom have been transported to the Andaman Islands, and where the machinery of repression is still working with full force, it is impossible to believe that there is anything in the nature of provincial autonomy.

The greatest disappointment has naturally been over the non-release of detenus. One cannot understand the mentality of an ex-champion of the people who now seeks to justify detention without trial and sermonizes University students to eschew politics. Truly has Mr. Fazlul-Huq outhiered Herod?

Our task in these circumstances is clear. We have to start a raging and tearing campaign all over the Province to demand the release of all detenus, to be followed by the release of all political prisoners, including those in the Andamans.

I welcome the decision to observe July 24th as a "detenu day" all over Bengal. I hope that on that day meetings will be held in every town and village to demand the liberation of detenus and to express no-confidence in the present Ministry. And I want the Provincial Congress Committee to continue observing a "detenu day" every month on a suitable date as long as there is a single detenu left in custody.

We have in this manner to create such a volume of public indignation as will bring about the fall of the ramshackle Ministry.

Before I close, I would like to address a few words to His Excellency Sir John Anderson and to permanent officials. His Excellency in a recent speech has very significantly pointed out that there is no disagreement between him and his Ministers on questions affecting law and order. It has caused us no surprise that the present Ministry has fallen in line with

the repressive policy that has been pursued in Bengal for the last seven years. His Excellency has also referred to the part he played in bringing about the release of political prisoners in Ireland and has regretted that the facts and circumstances in Bengal are quite different from those in Ireland. But, is it not true that in Ireland there was an open rebellion in which thousands of Britons were killed while in Bengal, at the worst, there was a terrorist movement, the victims of which did not number more than a few dozen?

Sir John knows, and all his permanent officials know, that the terrorist movement is a thing of the past. Apart from my own information, I have it on the authority of more than one responsible police official, whom I met during my internment, that the youth of Bengal, including the inmates of the prisons and detention camps, are thinking not in terms of terrorism but of Socialism and mass movement.

What justification can there be for the continued incarceration of those who, according to the Government, were imprisoned for being connected with the terrorist movement? Five years ago, before Sir John left the shores of England, he was criticised for his part in the "Black and Tan" régime in Ireland and he retorted by saying that he had also participated in handing over power to the Irish people.

So far as we Congressmen are concerned, I can say with a full sense of responsibility, and on behalf of the Congress organisations in Bengal that if the Government will do an act of belated justice, we shall certainly respond by redoubling our efforts for inculcating the spirit of non-violence among the people, for in any case in her own interest, and in the interest of India as a whole Bengal will have to fall in line with the principles, policy and methods of the Indian National Congress.

386

Nehru Explains Karachi Resolution Regarding Salaries and living Wages for All

Bombay Chronicle, 27 July 1937

The Karachi resolution on Fundamental rights laid down that "Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially employed experts and the like, shall be paid above a certain figure, which should not ordinarily exceed Rs. 500 a month".

It will be noted that Rs. 500 is more or less the maximum salary. This does not necessarily mean that Ministers or other high officers should invariably get the maximum. The principles underlying the Congress resolution are two: (1) salaries should be in keeping with the poverty of the country and they should, therefore, be as low as compatible with efficiency and (2) salaries should not be a measure of the dignity of importance of the office an individual holds but should be based on his needs.

The first of these principles is generally recognised but the second, I am afraid, is not yet sufficiently appreciated. Sensitive people feel that there is a certain indecency in drawing large salaries out of a poverty-stricken people, as in drawing large dividends out of the labour of ill-paid workers. The real fault and indecency lies in a system which permits and encourages this kind of thing. We have got so used to thinking in terms of measuring our importance and our progress in life in terms of income that it is difficult to think of other terms. And yet this is a false and pernicious standard and where money values prevail too much, men decay. But even in our money age we all know that the social and cultural value of a poor scientist or writer is often far greater than that of a rich businessman or a high official drawing a big salary. A taluqdar or big zamindar has a large income, but it is little difficult to find where his social value comes in, some people doubt if he has the slightest social value.

We must, therefore, get rid of this idea of measuring people by their incomes and salaries. Probably this standard of measurement if inverted, would be a safer guide for us. The question involves big issues. But for the moment we are concerned with the salaries of public servants only.

The Congress wants, in so far as it can, to apply this principle to public salaries. That is to say, it wants to reduce them to reasonable limits, more in keeping with Indian conditions, so as to lessen the tremendous gap between the official and the man in the field, and to give back, as much as possible, of the revenue of the country to the masses in the form of social and other services. It wants to end the practice of paying progressively more to the higher officials. The office they hold should not determine the salary, but the needs of the individual who holds it. An ideal system would require more or less the same payment for all services and all offices.

But under present conditions this is not possible and variations must creep in. Still there is no obvious reason why a Minister should be paid more than his Secretary simply because of his office. To some extent this may be occasionally necessary as the Minister might have to shoulder additional responsibilities. But the principle we wish to adhere to is that a Minister has no business to be paid more than his secretary simply because

of his office. This would apply to other offices also. This does not mean that other salaries should also approximate to the maximum be fixed, but rather that all salaries should be on a lower scale, the maximum being touched only when obviously necessary.

But there are patent difficulties in the way in suddenly upsetting the present system from top to bottom. Apart from the evil inheritance from the British Government, the social system, the habits of people and many other things come in the way. And we have to face suddenly so many complex problems which demand immediate consideration. We can, therefore, only set certain examples before the public to begin with, but this question has a basic importance and must be dealt with fully before long. For the present we have provisionally fixed ministerial and other salaries roughly in accordance with the Karachi resolution. That is the maximum allowed, but this maximum need not be drawn as a matter of course.

The question of allowances is intimately connected with salaries. Certain offices necessitate some appurtenances for the sake of efficiency and rapidity of work. But allowances must not become additions to the salaries, also the whole purpose of having low salaries will be defeated.

While, on the one side, we want to reduce salaries of the higher office, we want also to provide for a living wage for all and to raise the standard of living of the masses. How far that is possible under the present system is another matter. The ideal we aim at is not to perpetuate poverty but to abolish it, and to raise the general standard as high as possible, so that everyone may participate in the culture of the age. For this, great political and social changes will be necessary. Meanwhile we shall at least try to reduce the gap between the favoured few and the unfavoured millions.

As soon as opportunity offers itself, we shall consider the question of salaries and allowances in consultation with the Congress Ministers, so that we might give effect to the real spirit of the Karachi resolution, and put an end to the notion that the work of a man or his work is measured by the salary he gets.

387

*Telegram from Zetland to Linlithgow Appreciating Viceroy's Meeting Gandhi
(Extract)*

L/PO/6/100

28 July 1937

1. ...I need hardly say with what interest I read what you said with regard to your contemplated letter to Gandhi. I am in full agreement with you that this is undoubtedly the time to make a move in that direction, and it is quite possible that personal contact at this juncture may have a considerable influence on developments. I was a little inclined to think that it might be wise, as you yourself thought when you wrote your letter, to make a simultaneous approach to Nehru, but in view of what you said in your telegram on the subject, I agree that it might perhaps be better to sound Gandhi in the course of conversation before making any direct approach to Nehru.

388

Gandhi to Nehru on Meeting with Viceroy and Jhansi Election

Gandhi Papers

*Segaon, Wardha,
30 July 1937*

MY DEAR JAWAHARLAL,

I hope Mahadev told you yesterday in addition to acknowledging your essay on Hindi that the Viceroy had invited me to Delhi on the 4th for no special reason but merely to have the pleasure of meeting him. I replied saying that he had anticipated me for I wanted to seek an interview with him about the ban on Khan Saheb and my desire to visit the Frontier. I am accordingly reaching Delhi on the 4th. The appointment is for 11.30. Therefore, I hope to be able to leave the same day, returning to Segaon on the 5th.

But this letter is to send you a copy of Zakir's letter in reply to my letter giving my reaction to the recent riot in Bombay and the wretched Hindi-Urdu controversy. I thought that I should share with you this considered letter.

I do not regard the Jhansi election as a rout. It is an honourable defeat, giving rise to the hope that if we plod away we can effectively take the Congress message to the Mussalmans. But I still abide by my opinion that the mere taking of the message unaccompanied by substantial work in the villages won't answer our purpose in the end. But it all depends upon the way in which we want to generate power.

Meherally's speech in Madras is an eye-opener for me. I wonder how far he represents the general socialistic view. Rajaji has sent me a cutting containing his speech. I hope he has sent a copy to you also. I call it a bad speech of which you should take notice. This is going contrary to the Congress policy as I read it.

There is also Roy's speech at Madras. I take it, you get all such cuttings. Nevertheless, for ready reference I enclose the cuttings which Pyarelal has made for me. Roy has been writing to me, too. You should see his latest letter. It will go with this if I have not destroyed it. What is your reaction to his attitude? As I have already told you I find it difficult to understand him.

Your calling khadi 'livery of freedom' will live as long as we speak the English language in India. It needs a first-class poet to translate into Hindi the whole of the thought behind that enchanting phrase. For me it is not merely poetry but it enunciates a great truth whose full significance we have yet to grasp.

Love

BAPU

389

CPI Resolution on the Congress Ministries

J.P. Narayan Papers (Extract)

1. The decision of the Working Committee of the Indian National Congress (INC) to accept offices is stated to have ended the "Constitutional Deadlock". But it has undoubtedly not ended the state of deadlock which has come over our struggle of National Freedom since the first of April. The three months which succeeded the inauguration of the Constitution stand in sharp contrast to the previous months of the rising tempo of the national movement. The victorious path of the election campaign was marked by innumerable success of mass enthusiasm and mass mobilisation. In spite of repression, open and veiled, in spite of provocation and incitement of communal hatred the people registered an

overwhelming support to the INC. They recognised in the INC the champion of their cause, the leader of their struggles against foreign Imperialism and against their native exploiters. Every vote cast in favour of the INC was a vote for a struggle against Imperialism and against compromise, against working the Constitution for petty gains. This was proved by the mass response to the call for an anti-Constitution hartal and strike on the 1st of April. But during the months which followed the initiative which the masses had developed was not further developed. The momentum, which the struggle of the toiling masses had gathered, expressed itself in the mighty general strike of the Jute workers and in the growth in the organisation and the struggle of the peasants in Bihar, U.P., Bengal and Orissa. Imperialist repression intensified under the regime of ministers interim and otherwise. But the unified national lead which could quicken the pace of this struggle which could convert it into an all-India struggle against the new ministers and the slave Constitution was lacking.

2. The reasons for the deadlock in the forward motion of our national struggle are two fold. On the one hand the right wing leaders of the INC, wanted to harness the enthusiasm of the masses to win mass support for their reformist policy of diverting the struggle to the constitutional plane. A theory was developed that 'parliamentary mentality had come to stay', and that the masses were unwilling to fight. It was argued that a period of respite was necessary. In the election propaganda itself, the attention was focussed on the Councils rather than on struggle—on the developing of mass sanctions to end the Constitution. In the months which followed the inauguration of the Constitution the attention was diverted to constitutional issues. The masses were being prepared for the acceptance of ministries by Congressmen. On the other hand the entire leftwing was not strong enough to turn the initiative of the masses to act on its own. It failed to utilise the advances registered in the election manifesto, to turn the election propaganda into a mighty anti-Imperialist demonstration. While it succeeded in mobilising considerable mass support for the policy of not accepting office, it failed to link its anti-Ministry agitation with a concrete alternative plan of the developing mass struggle against the Constitution.

3. The decision at the Delhi meeting of the A.I.C.C. to demand assurance from the government regarding the special powers of the governors, as a condition precedent to the formation of Congress Ministries was determined by the interplay of these two forces. The right-wing leaders were unable to push through the policy of unconditional acceptance because of the considerable weight of opinion in favour of non-acceptance. On the other hand the rightwing leaders did not want

to commit themselves to the rejection of ministries irrevocably. If the assurance that the governor's powers would not be used against the Congress ministers, could be obtained, the rightwing leaders hoped to make out the case for the acceptance of ministries more plausible. With hindrance of the governor's powers removed, it could make out a case for enforcing the Wardha Programme, for galvanising the country by enforcing progressive legislation and thus setting the stage for wrecking the Constitution, through forming ministries. The demand for assurance was thus calculated to dull the edge of the resistance of the left to the acceptance of offices.

4. It was expected that assurance would be granted, but at the last moment Imperialism refused. Realising the weakness of the rightwing leadership, its inability to initiate or sharpen mass struggle—and the fact that it was strongly influenced by sections of the bourgeoisie who wanted office acceptance in order to gain some partial demands, Imperialism refused to grant the assurance. Through the successive statements of Lord Zetland, Stanley and the Viceroy, it was made clear that the acceptance of ministries involved the working the Constitution in joint partnership with the governors, and that provided that such a view was taken by the Congress ministers there would hardly be any interference through the use of governor's special powers. As for the assurance it could not be granted as it would be tantamount to a change in the Constitution. Imperialism wanted the INC to accept offices on its terms.

5. The refusal of the assurance demanded was not met by the INC leadership as a challenge. It did not embark on the path of nation-wide mass agitation and demonstrations against the interim ministers and the Constitution. It ought to have explained to the masses that the special powers of the governors were a bar to the enforcing of the resolutions of the INC and to combatting the Constitution from within. It ought to have called upon the interim ministers to fulfil the programme of demands of the people on the basis of which the majority party in the Assembly was elected, "Fulfil the demands of Wardha Programme of the INC or Resign". This ought to have been the slogan of the mass agitation against the puppet ministries. This would have made clear to the masses the unrepresentative character of the ministers and the worthlessness of the Constitution. Conferences of the Congress Assembly members, demanding the calling of the Assemblies coupled with mass demonstrations throughout the country against the interim ministers, against their failure to enforce the urgent popular demands such as the "release of Political Prisoners", etc., would have helped to progressively intensify the mass struggle against the Constitution and give it an organised form. Instead of thus moving forward to the

building up of a mass front of struggle of a nation-wide scale, instead of linking up the partial struggles of workers and peasants, against Imperialist repression, for organisation and for democratic rights with the struggle against the new ministers as the instruments of the Slave Constitution, the rightwing leaders began to move backwards. The decision embodying the Delhi Resolution of the AICC was interpreted and re-interpreted by Mahatma Gandhi—and the demand for the suspension of the governors' powers was successively watered down. The attention of the people was diverted to the constitutional quibble over the assurance clause, while the Working Committee put an effective stop to any aggressive mass demonstrations against the interim ministers by the Allahabad decision. The precious time which followed the inauguration of the Constitution was used to create a deadlock in the struggle against the Constitution and then to use this as an argument to prove the sterility of the course of not accepting Offices.

6. None of the left parties, including the Communists were able on their own initiative to develop a united front mass struggle against the interim ministers, on concrete issues of the workers' and peasants' struggle, of the fight against repression and for the release of political prisoners. The C. P. (Communist Party) though it saw that the struggle against the acceptance of offices could only gather force on the basis of a concrete struggle against the Constitution, were not strong enough to give a lead on an all-India scale. The C.S.P. on the other hand took the sterile view that the refusal of Imperialism to give assurance was a substitute for their own struggle against the acceptance of ministries. To them wrecking of the Constitution was the same as the suspension of the same by the governors. The result was that their anti-ministry activity slowly faded out since April and the culmination point was reached when one of their prominent leaders declared himself for office acceptance and their representatives in the working committee did not oppose the resolution for office acceptance at Wardha. M. N. Roy from the very start acted as the transmitter of the influences of the rightwing among the ranks of the left. He worked out a whole system of left phraseology to cover up the conciliatory nature of the rightist line, while supporting it on every point in practice. The essence of the position of the rightwing leaders was this: the logical implication of the refusal to accept the ministries was immediately to launch a nation wide civil disobedience movement. This was not possible now. Hence it was necessary to accept the ministries, combat the Constitution from within and concentrate on "the constructive programme". By posing, nation-wide C.D. Movement or a purely parliamentary struggle as the only possible alternatives it side-tracked the main task of progressively building up the mass organisation and struggle against the Constitution.

M. N. Roy achieved the same object by counter posing parallel government to the acceptance of office to "galvanise the situation."

7. The reason for the ineffectiveness of the left is to be sought in the way in which the whole issue of ministries was posed and in the manner the anti-ministry agitation and struggle was carried out. The whole question hinged on how the struggle against the Constitution was to be carried out. The controversy at bottom was between the forces of reformism and of revolution. Was the mass-struggle against the Constitution to be strengthened and intensified through the revolutionary use of the legislatures, through the building up of workers' and peasants' organisations, by carrying on an unrelenting struggle against the ministers or was the national movement to be diverted from the path of mass struggle to that of parliamentary reformism? That was the crucial question behind the whole controversy. It was an issue of struggle between the two tendencies. The issue of non-acceptance was generally often passed in a sterile, negative way. It was not linked up with an alternative programme for mobilisation of the masses for struggle against the Constitution and for the enforcement of the demands as formulated in the election manifesto and the Wardha Programme of February 27th. If the entire left forces had united on the issue of developing mass struggle against the constitution, if they could have succeeded in using every partial struggle of workers and peasants as a lever for launching a mass offensive against the interim ministers, the situation could have been transformed. There was no unity in the left ranks. We failed to develop initiative in conducting a country-wide agitation against the ministers interim and otherwise—on the slogan "Fulfil the demands of the people or get out." If we could have linked up the agitation with the various strike struggles, with the numerous struggles of the peasantry, with the fight against repression and the non-release of political prisoners, we could have concretely brought home to the people the conclusion that nothing could be got through the acceptance of offices. This would have made it extremely difficult for the rightwing leaders to impose the reformist policy in the Congress. If we had not succeeded in preventing altogether the formation of Congress ministries, we could have surely bolted and barred the way to compromise and surrender.

8. As a result of the sterile attitude of the left on the issue of ministries, of the lack of unity in their ranks, of the lack of initiative to develop a sharp struggle against the new ministers the rightwing of the Congress succeeded in mobilising the general opinion in favour of its policy of accepting offices. It was able to capitalise the negative attitude of the left and to show its path as a practical militant path. M.N. Roy has lent his hand in this process very effectively. On the eve of Wardha

considerable masses of vocal political opinion were already mobilised in support of the policy of forming ministries. The left was almost silenced. The rightwing leaders have succeeded in committing the INC to the formation of Congress ministries "to combat the New Act on the one hand and of prosecuting the constructive programme on the other."

390

Mahadev Desai to Birla on Working of Congress Ministries and Impending Meeting of Gandhi with Viceroy¹

MAGANWADI,
WARDHA (C.P.),
1 August 1937

MY DEAR GHANSHYAMDASJI,

I have your letters of the 20th and 22nd. So you have had my letter of the 9th. I have been writing to you regularly ever since the decision of the Working Committee. As my letters are exclusively meant for you I write down frankly and freely all that I feel. I was perfectly happy about the decision but I was not happy about the circumstances that forced it. There was quite a scramble for a favourable decision. I wish I could show you the heaps of impatient letters and telegrams that we had. The post Gandhi-Irwin Pact history was repeated. And I should have been untrue to you, if I had not described to you exactly the working of Bapu's mind leading up to the decision.

Of course I know that it created a tremendous impression there. But when I read out to Bapu one sentence in your letter, namely, that 'Bapu's stocks had gone up' he had a very hearty but incredulous laugh. Stocks in the political market as well as in the money market go up and down very suddenly, and it is only a speculator who would build much on them. I wish I could share your belief that the whole thing will last very long. As Bapu said to a minister very recently: "If this thing lasts beyond a year I shall either infer that the Britishers have become angels or that our ministers are completely kow-towing to them! However let us hope and pray that everything will go on well, human nature remaining what it is. On the very first day in Madras an interesting situation arose. Rajaji wanted to issue orders immediately for the release

of Meher Ali.² The Governor demurred, he had strong reasons, and I dare say Meher Ali had made most objectionable speeches, as he did make one since his release. But Rajaji would not yield. The Governor said, "Surely I am not going to break on this." And the man was released the next morning. I could tell you stories like that from other provinces, which go to show that both the Governors and the Ministers have begun well. Pantji in U.P. harangued the Departmental Secretaries for an hour soon after assuming office. I dare say they took it all in good part. Everywhere they started with *Bānde Mataram*—every one of the members including Europeans and officials standing. In poor Orissa the officials thought it below their dignity to stand up. From the point of view of pure intellectual capacity the Orissa ministry is anything but strong. But they are a set of good people, tried and true and I do not think they will be borne down by superior intellectual strength, or betrayed into doing anything foolish. The Madras ministry is in every respect the strongest in India.

You say Sir Roger Lumley is very anxious to see Bapu, and ask how this was to be possible. Perhaps he knew the conditions better than you. For the ice has already been broken. And before this gets into your hands the newspapers will have flashed the news that Bapu has seen the Viceroy. Four days ago we were agreeably surprised to find a Magistrate of this place, at Segaon, gone there specially to deliver personally to Bapu some important official document. It was a personal letter from Lord Linlithgow inviting Bapu to see him. Evidently he had sent it on to the Governor to be delivered personally. I shall tell you Bapu's instantaneous reaction, for this little thing shows how non-violent to the core is Bapu. He said, "I am sure somebody has told the Viceroy that I should never go to him without an invitation from him, and this poor man will be misinterpreted the moment the world knows that it was he who invited me and not I who sought the interview." The non-violence in Bapu's nature instinctively rebelled against a possible compromise of the dignity or prestige of the Viceroy. And then he wrote out in his own hand a reply. I enclose copies of both³. He would have given some expression of his feeling in his reply, but he refrained from doing so. As he said to me: "Doesn't he know his own business? Why should I presume to advise him?" The Viceroy is just now touring in Assam and Bihar and I do not know whether Bapu's letter will be in his hands before he is actually in Delhi. Bapu has raised the question of the North West Frontier, but we trust it will create no difficulty. If this interview was meant merely to break the ice how could the Viceroy say more than

² Yusuf Meher Ali, Socialist leader

³ Not printed

he has done? But evidently it cannot be all just for "the pleasure of meeting Mr. Gandhi". They can't separate after just saying, "How do you do?" However it is not quite likely that the interview will not go on beyond an hour or so. But I must not anticipate. So you have to tell Sir Roger Lumley that he has but to summon Bapu and he will be only too glad to "report himself".

What you said to Sir Roger about ministers accepting invitations to dinners and parties shows your instinctive knowledge of Bapu. Vallabhbhai was here last week to discuss this and various other questions of procedure. You will be sorry to learn that they decided to have nothing to do with entertainments. Accepting an invitation from the Governor presupposes readiness on the part of the ministers to return the courtesy. How can our poor ministers indulge in social amenities of this kind? But it is not merely a question of poverty. Bapu feels that at least for some years in the best interests of the country it would be wisest to maintain strictly official relations.

What you say about Churchill is most interesting. When he uttered that sentence about violence and Indians murdering Englishmen why did you not remind him of his article in which he threatened us with dread consequences, if we refused to accept offices? The cruel word that he used about Bapu's statement still smarts in my memory. Do you know the word? He described these statements as Gandhi's "barbed-wire blandishments". But it is Churchill all over. At the time of the Irish settlement it was he who invited Michael Collins to his place and laughed and joked with him and told him that whereas the British Government had set a price of £ 1,000 on his (Collins') head the Boers had set only a price of £10 on his, i.e., Churchill's head! But I am quite sure his greetings to Bapu are perfectly genuine. And you must convey Bapu's thanks to him. In 1931 he declined to see Bapu, but now if he comes to India at Bapu's instance I suppose he will ask for the interview himself. This letter has already become too long and I must close. I shall write to you again immediately on our return from Delhi.

I do understand your disinclination to visit Lourdes, and you have certainly not the time for it. But one day when we have no other preoccupations I should really love to visit it in company with you. I don't suppose Jugal Kishoreji knows anything about the place. Otherwise with his strangely credulous nature he would make a dash for it. I want you to see it because you are his extreme opposite in temperament.

Yours affectionately,
MAHADEV

We will all miss you in Delhi. You will show this to Agatha, please!

391

*Pant's Statement on Government's Policy**Haig Papers**2 August 1937*

With your permission I shall now make the statement, I had promised on Saturday. Before placing an outline of our immediate programme I think I should say few words about the basic policy of the Congress.

The attitude of the Congress towards the new Constitution is well known. It has been clearly defined in its resolutions and in the election manifesto on which we sought the suffrage of the people. The Congress stands for complete independence and for a constitution framed by the people of India through a Constituent Assembly. The present constitution had been condemned by all communities and political organizations in this country and the Congress had made it clear before as well as after the elections that it had sought entry into the Legislatures not to cooperate with the new Constitution but to combat the Government of India Act and the policy underlying it. The Congress has accepted office in deference to the widespread desire expressed in India as well as in England and it shall be our endeavour throughout to implement the programme placed before the country by the Congress and to build the strength of the nation in order to accelerate its progress towards the cherished goal.

On this occasion I think it would be appropriate to state that in carrying out that programme we shall always keep before us, as directed by the Congress, the declaration of fundamental rights adopted at its Karachi session. That declaration guarantees to every citizen of India of every caste and creed the right of free expression of opinion, free association and combination, freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality. It also guarantees the protection of the culture, language and script of the minorities and affirms that all citizens are equal before law, irrespective of religion, caste, creed or sex and that no disability would attach to any citizen, by reason of his or her religion, caste, creed or sex in regard to public employment, office of power or honour and in the exercise of any trade or calling.

The promotion of unity between all communities, castes and creeds shall be our constant aim and every effort will be made by us to maintain and advance such unity, and I have no doubt that the Government will receive the co-operation of every honourable member of the House in

this direction. The Government will be bound to discourage and resist all attempts by whomsoever made to foment discord or ill-will between various communities.

The House may like to know the measures that we have adopted during the short time that we have been in office. Orders have been issued for the release of all prisoners convicted under section 124 A of the Indian Penal Code, pending prosecutions under that section have been withdrawn, bail bonds taken under section 108 of the Criminal Procedure Code have been cancelled and all proceeding pending under that section have been similarly withdrawn. The ban of illegality from association has been lifted. We have taken measures to restore full freedom to the press. Securities taken from presses and newspapers have been refunded, and the Government recognising the principle of the freedom of press and in pursuance of their policy of observing strict impartiality in this matter, have given instructions that there should be no discrimination against any press or newspaper on account of the political opinions or affiniton of its editor or manager, and that all questions of press advertisements, court notices and printing work should be treated impartially on a strictly business basis. We are reviewing a number of other cases of persons convicted for offences other than sedition with a view to releasing as many as we can. We have issued orders that nobody should be considered to be disqualified from any public office or for any class of service on the ground of caste, creed, opinions, etc. We are trying to devise measures to deal effectively with the evil of corruption and are determined to eradicate it from the public services.

At the very outset the Government were faced with a difficult labour situation in Cawnpore. As to our general policy towards industrial labour there is no room for any misapprehension. It has been clearly laid down by the Congress and it shall be our constant endeavour to work for the amelioration of the conditions of labour and for securing a decent standard of living for them. But at the moment we are anxious to find a solution of the present difficulties without any delay and to create a proper atmosphere for considering the whole question in a fruitful manner. A labour welfare officer has been appointed to look after the interests of labour, to secure immediate relief wherever possible and to promote good relations between the employers and the employed. Necessary legislation is under consideration and will be introduced without any avoidable delay. The Hon'ble Minister in-charge of the department intends to keep himself in personal touch with all parties and the Government earnestly hope that means will soon be found with the co-operation of labour leaders and employers to resolve the existing deadlock.

A thorough overhaul of the system of prison administration in these

provinces is in the Government's opinion, necessary, and immediate steps will be taken to consider the problem from every point of view and to introduce necessary measures for reforming the administration and improving the conditions in the prisons. Government is aware that much popular discontent exists in regard to the manner in which honorary magistrates and collectors are appointed and the proceedings in their courts are conducted. Necessary inquiries are being made and proper measures will soon be taken to meet the public demand.

Government is of the opinion that local self government in these provinces is capable of much improvement and to effect necessary changes the United Provinces Municipalities and District Boards Acts will carefully be examined and necessary amending legislation introduced at an early date. In the meantime all general elections to local bodies will have to be postponed.

As the House is aware the Congress has asked us to repeal repressive laws and we are examining the question with a view to initiating necessary measures without delay and the Congress Party has appointed a Committee for this purpose.

The present Excise policy calls for drastic changes and the Government will take necessary steps to remodel it, placing before itself the Congress goal of prohibition.

Several other subjects such as separation of judicial and executive functions, rural and industrial development, education and unemployment are also engaging our attention and we hope to make a definite declaration in this regard after the budget session.

I had indicated on Saturday certain steps which we intend to take forth with in order to tackle the agrarian problem. I need not remind honourable members of the pitiable economic plight of the agricultural masses, their appalling poverty and the burdens of debts which so heavily press upon them.

The need for the amelioration of their condition is urgent and calls for immediate action. The Government have naturally been giving thought to this subject and are convinced that it cannot brook any delay. We have accordingly decided to appoint two committees, to work on which we intend to invite members from all sections of the legislature. We wish that the reports of these committees would be made available to the House by January next. It is our desire that the recommendations made by these committees may be laid before this House for consideration before the Government takes a final decision and initiates the necessary legislation. It will thus be seen that we are anxious from the outset to seek in these vital matters the assistance of the entire Legislature and we wish to have the benefit of their cooperation even in these formative stages, so that the results attained may be as sound as possible. The

House will of course have ample opportunities of discussing the Bill in its various stages after its introduction.

One of these committees will be appointed for the purpose of examining the existing laws relating to land revenue and tenancy, with a view to revising them in order to put an end to the distress amongst the peasantry. In the meantime steps will be taken to stay proceedings for ejectment of tenants, for enhancement of rent, for the realization of rents due for periods prior to and including *Kharif 1344 fasli* generally and, in the case of areas damaged by hail or other calamity in recent months, for *Rabi 1344 fasli* as well, as also proceedings for the resumption of rent-free holdings and of groves. There is no more important or urgent problem than the readjustment of the relations between the Government, the landlord and the tenant on a basis which will make the relief of the suffering peasantry and the promotion of their prosperity the first and foremost consideration. We consider that measures of real and substantial relief to them have been postponed too long and that such measures as have hitherto been taken have hardly touched the root of the problem of rural poverty.

I do not wish to anticipate the line which the committee may take; but I think the House will agree that the measures to be taken must include stability of tenure for all tenants, and also relief from the heavy burden of arrears of rent. I am confident too that, when concrete proposals are framed by the Legislature, they would be anxious that they should have retrospective effect in the case of proceedings of the nature described which are at present pending before the Revenue Courts, or which may be instituted in the course of the coming months. If I am right in thus anticipating the attitude of the Legislature, then it will serve no useful purpose, but can only result in needless trouble to the courts and to parties in such proceedings, if the proceedings are allowed to continue, only to be subsequently revised. The Government therefore contemplate asking the Board of Revenue to issue orders to the Revenue courts to stay proceedings of the kind indicated by me pending the enactment of legislation. There are precedents for this. In 1919, when the amendment of the Oudh Rent Act seeking to confer statutory rights upon tenants was in view, and again in 1924, when similar amendment of the Agra Tenancy Act was in contemplation, the Board of Revenue issued orders to the Revenue courts which prevented tenancies from being terminated under the then existing laws. In the legislation subsequently passed, sections were embodied in both these Acts preventing ejectment of tenants under proceedings pending from a date well preceding the Act, so that such tenants might enjoy the benefits conferred by the amending legislation. The Government, therefore, consider it to be a matter of elementary justice to safeguard the position of all tenants who are at

present in possession of their holdings against ejectment on termination of their tenures under the existing laws, and from ejectment for arrears of rent, and also to protect other tenants who are liable for arrears of rent, as already detailed from the passing of execution of decrees and orders rendering them liable to pay these arrears, until such time as the Legislature have put into force steps for their relief.

Another committee will be appointed to consider the steps necessary to remove the burden of rural indebtedness and to propose measures of relief. Pending such Legislation, Government may introduce a Bill to stay proceedings for recovery of the debts of the peasantry through orders and processes issued under the existing law. It is our conviction that the measures taken since the slump in prices, fall far short of the real relief which the masses so badly require. Some of the Acts which came into force in 1935—the Temporary Regulation of Execution Act, the Regulation of Sales Act, and the Encumbered Estates Act—have passed beyond the state when debtors may still resort to them. These remain, as continuing measures, the Agriculturists' Relief Act and the Usurious Loans Act, neither of which, in the opinion of Government gives to the indebted peasantry the simple, immediate and direct relief which they need, over and above that, we are faced with problems arising from the wording and the requirements of the Encumbered Estates Act and the Agriculturists' Relief Act, and the interpretations which the Courts have placed upon these where the intention of the Legislature was not clear, or else was badly expressed. Again, our predecessors contemplated action for the reduction of tenants' debts by conciliation. Whether in fact such a method can really give effective relief, or whether the House with the guidance of the Committee whose appointment is contemplated, can frame measures which have direct appeal and will result in direct benefit to the peasantry, is a matter for serious, even anxious, consideration. But I earnestly hope that the House will succeed in evolving suitable measures such as will benefit, not any particular class, but the many millions who live a hand to mouth existence under a crushing perennial burden of debt, and whom we have the honour to represent and to serve.

This is an object fully deserving of the sympathy of every honourable member of this House and we are entitled to their support in this respect not only on patriotic but also on humanitarian grounds. Let me now conclude with the expression of an earnest hope that all sections of this House will rise above petty considerations and will make a joint endeavour to ameliorate the pitiable lot of millions of our starving fellow countrymen.

392

*Linlithgow to Zetland Regarding Governor Presiding over Cabinet Meetings
(Extract)**Zetland Papers**2 August 1937*

2. Let me first of all say a word about the general political situation. It remains, I think on the whole definitely satisfactory, and I see no reason to take a pessimistic view at this stage. What I do continue to feel very strongly is the importance, as to which I know you agree, of our maintaining a firm front on these various issues such as presiding over Cabinets, the flying of the Congress flag, etc. My own estimate of the position is that we shall continue to find ourselves exposed to pretty strong pressure under these and similar heads. The reasons are not far to seek. The new Congress Ministers have been brought up on the strong meat of the full Congress creed, and it must inevitably, given their lack of experience of what is and what is not practicable, and what we are and what we are not prepared to concede, take them some little time to realize at what point it will climb down. With the exception possibly of Rajagopalachariar, none of them are very outstanding personalities, and they are all of them are under strong pressure from the Central Committee and naturally are anxious to show the best possible results to their masters, and if possible each to do for his own province as much as his neighbour has claimed to secure in his. It is very significant that Rajagopalachariar, who is much the most capable of the new Chief Ministers, has so far adopted a most reasonable line, and from what I can gather from Erskine's letters, on various aspects of this problem his attitude has so far been wholly satisfactory and such that no exception can reasonably be taken to it. But I feel no doubt, and I have endeavoured to impress this individually on the "Congress" Governors, as to the very great importance of a united front and a common policy on all these matters which are likely to form the subject of Congress pressure and I am equally clear as to the extreme difficulty likely to be experienced in holding our ground in other provinces when any concession has been made in such subjects by any individual Governor. A point which I thought it fair to impress on Governors is the very awkward situation which would confront the Secretary of State, the Governor-General and Governors themselves, were we acquiescing in a process of attribution, to make it possible for a definite modification of the terms of the Act, e.g., the matter of presiding over the Cabinets, or the

consulting of Chief Ministers over nominations, to establish itself. Sooner or later, the fact that some such process of attribution had successfully been carried through by Congress and that Parliament was in fact confronted with a *fait accompli* would be found to emerge, and our task in defending such a state of things in Parliament would, it goes without saying, be most unenviable.

3. You will have seen the D.I.B. Report of 24th July,¹ which has just reached me, from the headquarters. I, of course, agree generally with the estimate of the position contained in it, but I doubt if I take at this stage quite serious a view of the various homilies which have been delivered by Congress Premiers either directly or indirectly to the Services. Thus Pant's speech to the Secretaries to the United Provinces Government² at Lucknow, which in many ways attracted attention than has any other statement of this character, constitute in my judgement nothing very shocking to any one familiar with the relation of the Civil Service with Minister at Home, though the emphasis laid on certain points by Pant may well have come rather a surprise to certain of the more right wing elements out here. I would myself judge that Congress is alive to the importance of the assistance which they can reasonably expect from the Services and that appreciation of the value and the disinterested character of that assistance and the extent to which it is at the disposal of Congress Ministers will grow rather than diminish with administrative experience.

4. As I write I still await the Mahatma's reply³ to my letter which ought to reach me tonight or tomorrow morning. It is rather unfortunate that at this moment there has developed this hunger-strike in the Andamans, and I cannot yet judge from the press as we are, you will realise, a day or two behind papers, how much if any real interest it had excited outside. But if Gandhi accepts my invitation and if he raises this question, I feel I ought to be on pretty strong ground, for the whole basis of the Congress creed is non-violence, and every one of these Andaman prisoners has been convicted in respect of violent crime. A further point which he may, I think, raise with me whether the ban on his visit to the North-West Frontier Province can now be withdrawn. On this I have consulted Cunningham. He is not very anxious to see the Mahatma, but very sensibly I think takes the line that in the present circumstances it would be difficult to maintain that ban indefinitely, and he does not anticipate any reactions of serious importance to a visit by the old man now. He is prepared to allow him to visit if the point is pressed and if in the light of our conversations, I would judge it to be of importance to meet Gandhi over it....

¹ Not printed

² Not printed

³ See No. 393

393

Viceroy to Madras Governor on Gandhi's Proposed Interview (Extract)

Erskine Papers

2 August 1937

2. Following is the text of a letter just received from Gandhi
Begins:—

DEAR FRIEND,

I thank you for your letter. I had for some time intended to ask for an appointment to discuss the possibility of lifting the ban on Khan Sahib Abdul Ghafar Khan's entry into the Frontier Province and of my visiting that Province. Of course there is no bar against me, but I have no intention of going there except with the approval of the authorities.

Your letter is therefore doubly welcome. I assume there will be no objection to my discussing these two points at our meeting. I shall gladly report myself at Viceroy's House, New Delhi, on August 4th next at 11.30 A.M.

I remain, yours sincerely,
M.K. GANDHI
Segaon, Wardha,

No reply has been sent and I see no objection to the matters in question being raised in the course of the talk, on the conclusion of which I propose, as at present advised to issue a brief communique. I do not propose, unless there is some change in the situation, to make any public announcement of the proposed interview before the 4th, but I am of course informing my Council Secretary and am also asking the Government of India to arrange for strictly confidential intimation to the leading Press correspondents on the evening of August 3rd. News of the proposed interview may leak out in advance, but there is no time to concert any arrangements in this regard with Gandhi and I think you will agree that it is important that we should sedulously avoid anything which might cause embarrassment and treat the matter as entirely secret unless and until it is divulged in advance of the actual time of the interview.

394

*Nixon to Laithwaite on Reduction of Pay in the Services**Linlithgow Papers*

SIMLA

3 August 1937

[Private]

MY DEAR LAITHWAITE,

I am wondering whether His Excellency ought not to do something as regards the indication in the papers that the new Congress Ministers will appeal to the Services to volunteer a cut in pay.

This is going to cause a great deal of heart-burning between those whose circumstances are such that they can afford a cut (e.g., bachelors) and those who cannot. In particular, it is likely to create cleavage between Europeans (with their often fixed English commitments) and Indians living at a much lower standard of living. It is going to open the way to advertised sycophancy.

And in particular it is going to introduce an element of uncertainty into conditions of Services, which must react on recruitment, especially in England.

As you know, I am an ardent advocate of bringing down the pay bill of India, but this particular move seems to me likely to disintegrate the major Services more than any other. I was violently against voluntary cuts even in the depths of our retrenchment days.

I am sending a copy of this letter to Maxwell.

Yours sincerely,
J.C. NIXON

395

*Tagore's Concern for Andaman Prisoners (Extract)¹**Amrita Bazar Patrika, 3 August 1937*

"It is more than a week that about two hundred political prisoners have gone on hunger-strike in the Andamans. The news of the hunger-strike was withheld from us for a long time. This callous indifference to public sentiment is a sad reminder of our national

¹ Text of Tagore's speech from the chair in a protest meeting at Town Hall, Calcutta, followed by resolutions adopted.

helplessness. Never in England or in any other democratic country would a Government dare to keep a fact of such national importance as this hunger-strike, a secret for such a long time.

The political prisoners have demanded repatriation to India from the Andamans. Their demand is a just and modest one. When the power is not responsible to the people of this country, it is only natural that the people would be apprehensive of the treatment that is meted out to the political exiles in an island thousands of miles away from India and demand that the political prisoners should be kept in India where at least some kind of popular control can be exercised to soften the inhuman rigour of the prison-life in India. It appears that the Government of India have shifted their own responsibilities regarding the question of the repatriation of Andaman prisoners on the shoulders of the Bengal Government. Moreover the Government of India have rejected the petition of all the prisoners. Once again the heartless inflexibility of the Governmental machinery has triumphed over its sense of humanity and justice.

In those provinces of India where the representatives of the people have taken up the reins of administration, the political prisoners have been unconditionally released and all encroachments on the civil liberty of the people have been removed.

It is only in the province of Bengal that hundreds of boys are still detained without trial, the press is now and then gagged to remind us of a power that is not answerable to the will of the people of this country and the civil liberty that the people of Bengal enjoy has become unreal as the mirage in the desert...

I appeal to the Government of Bengal to line up with the Government of Bombay, Madras and Central Provinces and to treat with broadminded sympathy and humanity the case of the political prisoners and of the detenus....

On the Continent of Europe they have their Devil's Islands, their Lipari, their Concentration Camps and other specially built hells for punitive exhibition of humanity, but in England they have no such unhallowed places for intensification of suffering by wrenching away the prisoners from their own soil. When to our dismay, we find that the infringement of their own rule has been made possible exclusively for the subject races the insult of their distinction humiliates all of us and I offer my protest in the name of my Country."

After he had delivered his speech the Poet left the Hall and Mrs. Nellie Sen Gupta took the Chair.

RESOLUTION

Sj. Amarendra Nath Chatterjee moved the following resolution which was unanimously adopted.

"This meeting of the citizens of Calcutta emphatically protest against the callous and high handed treatment of political prisoners by the Government, its refusal to accede to the just demand of the hunger-strikers for the unconditional and immediate release of all political prisoners, for uniform classification on Div. II basis and for repatriation from Andamans to India and expresses its warm appreciation of the cause for which the political prisoners are now on hunger strike in the Andamans and urges on the people of Bengal and rest of India to express their full hearted support to the prisoners by holding meetings throughout India, by organising mass demonstration and to bring about their release by the anti-Imperialist front in the country. . .

The following telegram was sent to the political prisoners of Andamans in the name of Dr. Rabindranath Tagore as President of the Meeting:—

"Bengal anxious to know state of health of her exiled sons who are on hunger-strike. The country is solidly behind you."

Sj. Soumyendranath Tagore moved the second resolution.

The resolution runs as follows:—

"In view of the Government's policy of suppression of news relating to mass hunger-strike amongst the political prisoners of the Andamans and also in view of the great misgivings in the public mind regarding the actual state of affairs in the Andamans, this meeting of the citizens of Calcutta, appoints a non-official Committee (personnel to be announced later) to proceed immediately to the Andamans to ascertain the actual state of affairs there."

396

Viceroy's Note on His Conversation with Gandhi

Brabourne Papers

4 August 1937

(Secret)

Note of conversation between His Excellency the Viceroy and Mr. Gandhi, New Delhi, 4th August 1937

I granted an interview to Mr. Gandhi at 11.30 this morning.¹ The invitation had come from me and I had made it clear in my letter conveying it that I had no public matters to discuss with him. In accepting my invitation Mr. Gandhi had indicated that he had been

1. Gandhi's version of the interview as reported by Mahadev Desai is reproduced in G.D. Birla: *Bapu: A Unique Association*.

contemplating asking for an interview himself at an early date to discuss matters connected with the North-West Frontier Province, the first the question of his own entry into that Province (for although there was no official bar against his entry he did not propose going to it without the approval of the authorities); the second the removal of the ban on the entry to the Province of Abdul Ghaffar Khan.

2. The interview, though as will be seen we did not find ourselves on all points in agreement, lasted for 1½ hours and was extremely friendly in character. I deal *seriatim* in the note which follows with the main matters which arose during it.

3. I had anticipated in the first place that it was possible that Mr. Gandhi might refer to the positions in regard to prisoners detained in the Andamans. He did not raise this matter. Nor did he touch on another issue which is causing considerable difficulty to the Governor of Bombay, viz, the desire of the present Congress Ministry in Bombay to secure that official pressure should be brought on the persons who purchased confiscated land in 1930-31 to re-sell, despite the assurance given to purchasers at the time by the Local Government, with the approval of the Government of India, there would be no repetition of the official pressure in that sense which had been exerted in 1928. Nor, finally (though I did not in fact anticipate that this was very likely to come up) did Mr. Gandhi touch on the forthcoming Congress Conference in the North-West Frontier Province. Had he done so I would have listed to him the desirability, from the point of view of the organisers of the Conference, of changing its venue to Peshawar from Bannu which, being as it is the base and hinterland of our present warlike operations in Waziristan, is clearly a suitable place for such a Conference, particularly when the Agenda included Tribal policy. He did, however, remark in the course of conversations that there were many other problems which were present to him, but that at this first meeting which had taken place between us his objective was rather to establish relations of private friendship.

Visit by Mr. Gandhi to the Frontier.

4. As regards the question of a visit by Mr. Gandhi himself to the North-West Frontier Province, I made it clear to him that while there was no objection whatever to his visiting the Province, it was essential that he must not interfere during his visit in any way with trans-border affairs. On this point I was entirely firm, and I gave him no hope of any modification of our attitude. He made it plain to me that he thinks that if he were given the chance he could make a contribution towards the appeasement of the trans-border tribes. I said that was a matter about which I would gladly converse with him some day; and that my own

view was very clear that the tribal position up to the Durand Line represented a really serious issue and one to which the fullest weight must be given. I added that he would agree with me that whatever form of Federation we might look forward to it would be of great and definite advantage to have reached political stability in the tribal area before Federation and that while I was not going to raise the menace of a Moslem bloc in the face of a Hindu, half a million rifles on the Frontier, with Afghanistan behind them, to say nothing of the Moslem world, represented a problem as to the seriousness and the potential implications of which there could be no doubt or dispute. After some discussion Mr. Gandhi said if the officials thought he could do no good there was no point in his trying. I said that I was, of course, always open to argument but that I was very clear that there could be no question in the event of his visiting the Frontier of any interference on his part in tribal affairs and I understood him to accept this view.

ABDUL GHAFFAR KHAN

5. I said to Mr. Gandhi that I was familiar with the general position in regard to Abdul Ghaffar, and that in view of his intimation to me that he wished to discuss this case I had also consulted the Governor privately. I found that the North-West Frontier Province Ministry had just issued invitations convening Committees composed of members of the Legislative Assembly representing all parties for the 18th August, to discuss various important questions, including the ban against certain individuals under the Tranquillity Act. I thought myself, and that was the view of the Governor also, that the right course in these circumstances was for Abdul Ghaffar to approach the Ministry with a view to the removal of the ban. From the soundings I had myself taken of the Governor I would not myself anticipate any difficulty about the removal of the ban subject to two points (a) that Abdul Ghaffar would not attempt to revive the unconstitutional side of the Red Shirt movement, e.g., semi-military organisations, drilling in uniform, intimidation, & c; (b) (with which I was directly concerned as Governor-General) that he would not interfere in trans-border affairs.

6. Mr. Gandhi said in reply that he wished in the first place to go through Abdul Ghaffar's character with me. This he did at some length. He emphasized that Abdul Ghaffar's essential quality was his sincerity, that he was truth itself, a good Moslem (Mr. Gandhi had himself checked up with him on the Koran); that he represented, and on this, he laid great emphasis, a great influence in India and was destined, in Mr. Gandhi's view, to play a great part in the future of India. I replied that, speaking quite frankly, I had heard that on platforms his tongue was inclined to run away with him. Mr. Gandhi said that speaking with equal

frankness he wholly agreed, and that he had made it clear to Abdul Ghaffar, who was now in Bihar, that he was in no circumstances to get on to platform anywhere or to speak anywhere. His shining sincerity, said he, did Abdul Ghaffar less than justice on a platform.

7. Turning to the specific assurances—the desirability of which I had indicated, Mr. Gandhi said he felt quite sure there was no hope of any advance on these lines. Abdul Ghaffar, whose sincerity was his dominant feature, had never regarded himself as having transgressed in respect of either of the matters covered by the assurances. Were he now to accede to a request from the North-West Frontier Province Ministry, consequent on an approach to them by him, to give such assurances, it would by implication involve his acceptance of the view that he had so transgressed in the past, and there was no hope whatever of his accepting that view. The course I had proposed to him therefore would not meet the point in issue and would have the very undesirable result in all probability of arousing a bitter controversy. In Mr. Gandhi's view the right course for the Ministry to take was to make their own decision in the matter, in the same way as had been done in the Punjab. If they decided to raise the ban, they could in the same tactful and delicate way as had been done in the Punjab make it publicly known at the same time that their hope or assumption was that on his return to the Province Abdul Ghaffar would not cause embarrassment in respect of either of the matters in question. It was quite reasonable that Abdul Ghaffar should be invited to agree to such stipulations for the future, but the past was a different thing; in the same connection Mr. Gandhi later pressed, and I agreed, that a sentence which I had included in my draft communique which ran “as regards the specific case of Khan Saheb Abdul Ghaffar Khan, the Viceroy suggested that the Khan Saheb should make a formal representation to the North-West Frontier Province Ministry” should be deleted.

8. I did not feel justified in pressing this case further, more particularly in the light of the information available to me which suggested that Abdul Ghaffar might at this stage be a good deal less of a potential danger than a year ago.

Social Contacts

9. We next turned to the question of the improvement of social and official contacts. Sir Harry Haig has at an earlier stage mentioned to me the possibility of Congress Ministers abstaining from attending the House when a Governor was addressing the Legislature; the Congress party in Bengal had abstained only a few days ago from attending Sir John Anderson's farewell address to the Legislature; and Lord Brabourne had given me to understand that while Mr. Kher was personally well

disposed towards attending Lord Brabourne's official departure and the official reception of his successor, he—Mr. Kher—was apprehensive that Mr. Gandhi would not agree to his doing so. I dealt with the matter in general terms and urged on Mr. Gandhi the vital importance to Congress themselves in terms of the experience in this matter of Governors and Legislatures in all other parts of the world of personal and social contacts. I found him however, to my great disappointment entirely implacable, if very friendly, on this matter. He was not, he said, a Congress leader, but he had a very clear view which he felt bound to make clear to those who might ask for his advice. That was that these contacts, though they might be of a certain benefit, represented a real contribution towards the 'strengthening of imperialism, and that, as he put it, the risks involved were such as he could not take. I inferred from certain remarks he made—which for obvious reasons I did not follow up—that he was of opinion that Ministers should not be present when a Governor was addressing his Legislature since in his view their presence on such an occasion was in no sense essential to the discharge of their ministerial functions. He talked a good deal about past history and Nicholson's doings in the Mutiny, and he clearly is disposed to be bitter and implacable about the past, even the remote past, and not inclined to avoid topics unlikely to be palatable to the ordinary Englishman merely for the sake of saving his feelings. I did my utmost to make him take a better view of this matter, on which I attach so much importance, and I left unused no argument that I could think of, but it was quite clear that he had made up his mind and was not to be budged. I said accordingly as we passed to the next subject that I much regretted that I had failed to convince him, but that should take place which would result in a change in his attitude, he would realise the importance I attached to it; that in the meantime I had made it quite clear as to what I myself regarded as the right course and the wise one for Congress: but that the fact I disagreed with him did not mean that there was any personal feelings on the matter so far as I was personally concerned. He replied that was entirely true as regards himself, and that the dominant consideration with him was his apprehensions of Imperialism. I said in the second place that while this was an argument which I did not wish to overstress, I thought it was only just to put it to him that it was very undesirable to do anything which might prejudice or affect the increasingly friendly attitude of the British public towards India or weaken their sincere desire (which was real and sincere whatever he might think of the processes adopted by their political leaders) to be friendly and just towards India. He would appreciate that the reaction on public opinion to the Congress attitude in this matter might well be one of serious misunderstanding and that it might well be a fact of very real general importance. He took the point,

but showed no sign of modifying his view; and in the light of our conversation I confess with regret that so far as he personally is concerned, I doubt, despite the very important issues involved, if we can look for any help from him in solving this most serious problem as we should desire.

Rural Uplift

10. We had some general discussion of the rural situation, rural uplift &c, but nothing of material importance.

Contact with Nehru

11. He then himself raised the matter of Nehru, and sang his praises at great length. He was, he said, reserved and spartan, his name Jawaharlal meant jewel, and that exactly described what Nehru was. There was no chasm as was sometimes suggested, between Nehru and himself (I formed the impression that Mr. Gandhi was particularly anxious to dispose of this suggestion and that it was for that reason that he had raised the matter of Nehru). He suspected that Nehru was in evil odour with me. I replied that there was no question of that, that my approach to all political leaders and problems was entirely objective, and that I never thought of them in personal terms. I would own that the central idea of Nehru's policy as to the need for revolution as the means of economic reorganisation seemed to me wholly misguided and that I could not resist the impression that he had adopted the idea from Russia and that he had erroneously formed the view that it was of universal application. Mr. Gandhi replied that I misread Nehru about Russia and what he had in mind was not the Russian type of revolution. I said I was quite prepared to abandon the Russian instance to judge Nehru's attitude in terms of the position in Spain and Nehru's remarks about it. His view, for example, that the redistribution of wealth must involve sanguinary revolution. Did or did not Mr. Gandhi agree? And did he not agree also that while on occasion violence as the basis of adjustment might sometimes be inevitable, the use of violence was always a sign of failure. Mr. Gandhi replied at once that he agreed, and I said Nehru to that extent might be regarded as having fallen short of the ideal. Mr. Gandhi agreed that perhaps this was the case. It is of interest that Gandhi, in mentioning that, with Pant in the United Provinces Ministry and Rajagopalachari in Madras, he had had to keep certain other leaders out of Provincial politics, should have added that he thought it possible that, if he had pressed him, Nehru might have taken seat and accepted office, though he could not be sure.

12. I then said that as Mr. Gandhi himself had raised the matter of Nehru, I might mention that I had myself meant to take his advice about seeing the Congress President, and would like to know what his general

reaction to that point was. He replied that at the time when Lord Stanley had talked of negotiations he had warned Nehru that he might be sent for by me and had told him that, if so, he ought to accept my invitation, as he—Mr. Gandhi— would be ready to do if sent for. He added, however, that while Nehru had English mental furniture (unlike himself Mr. Gandhi, whose mental furniture was wholly Indian and who never felt that he could sway an English audience), and while he was fond of England, and got on with Englishmen well, he had been returned in opposition to Imperialism, and to such extent as he might regard the Viceroy as the leading instrument of Imperialism in India he might not be prepared to respond to a move on my part and Mr. Gandhi added that he would be glad to find out what his attitude would be and let me know. Mr. Gandhi was clearly anxious to develop correspondence on this issue, and I did not think it well to encourage him. I replied in general terms in a friendly way that I would probably write to Nehru some time privately, and that if he replied privately I should know what the position was. Mr. Gandhi added that he had had serious trouble with Nehru over Mr. Gandhi's letter to Mr. Pollitt (in which, you will remember, Gandhi suggested that Dominion Status under the Statute of Westminster, would be acceptable to India) and that the argument, though very friendly, had been very hot.

13. In conclusion I raised one or two miscellaneous points. In the first instance I said I had heard the suggestion made that Congress for whatever reason was not giving its young men a chance. It might well be the case that to make a good revolution in India one only needed 10 stout men, but it was impossible as he would agree to govern India with 10 men. He replied that he did not for a moment accept this criticism. He had not himself chosen the candidates, but he thought that there were plenty of able young men to whom he could appoint either as ministers or parliamentary secretaries, and he did not really think that there was any foundation for the suggestion that young men were being kept out.

14. I said, turning to another topic, that the system under which we were working was now very near maturity. India was growing up politically and she must make up her mind, as must her leaders, about her future and about her position in it. Did he in this rough modern world seriously wish to sail off from the British Commonwealth of Nations? If he did not, the question of the status of India within its borders was of course relevant. The main issue was whether he did or did not wish to sail off when the time came. He gave me no direct answer to this, but from his silence and his general reaction I gathered that he was very conscious of the difficulty of the point from his aspect.

15. He readily agreed to a communique in regard to our discussion. In conclusion I said I was glad that we had established friendly personal

relations and he expressed the hope that they would last. I added that he could rely upon me not—should I at any time in future desire to take advantage of discussion with him—to make any preliminary approach in public for fear of putting him into difficulties, that I felt that I could rely upon him to take the same line so far as he was concerned, whoever started the ball rolling. To this he readily agreed.

16. He was, I think, genuinely gratified at establishing contact and at the act that an invitation had been extended to him. He could not have been more friendly or agreeable personally, though over certain matters such as social contacts no amount of persuasion appeared likely to produce any effect upon him and his mind seemed to be dominated by traditional grievances caring little if any necessary relation to the conditions and implications of today. He appeared to be in good health, his voice was firm, his mind was extremely quick and alert, his sense of humour very keen. It was impossible to be impressed by his general quality. The strong impression upon my mind was that of a man implacably hostile to British Rule in India, and who would in no circumstances hesitate (while at all times, behaving with perfect manners) to take advantage of any person or circumstance in order to advance the process, to which every fibre of his mind is entirely devoted, of reducing British power, influence and prestige in the sub-continent.

397

Subhas Bose's Statement¹ Urging Bengal Government for Release of Andamans' Prisoners (Extract)

Amrita Bazar Patrika, 4 August 1937

Mr. Subhas Chandra Bose has issued the following statement to the United Press:—

It is difficult to read the utterances of some of the Bengal Ministers without being overcome with a feeling of annoyance and disgust. No sun-dried bureaucrat in the pre-reform days could have given a better exhibition of irresponsibility....

Strong governments are never afraid of making concessions. Only weak governments are ultra-sensitive about their prestige and nervous

¹ Statement issued from Dalhousie where Bose went for recuperation of his health.

about doing justice or being generous. . . . I have it on the authority of some prisoners recently released from the Andamans that their compatriots there are so devitalised that prolongation of the hunger-strike will result in a large number of deaths. . . . In these circumstances, the only hope of averting a large scale tragedy rests with the Congress ministries. Therefore along with the rest of the public, I earnestly appeal to them to immediately order the repatriation of the prisoners belonging to their provinces. If the other ministries do not voluntarily follow suit, they will be shamed into action before long. Only when repatriation has been ordered, can the prisoners be requested to give up hunger-strike.

So far as Bengal is concerned, I call upon the Provincial Congress Committee to carry on an unceasing agitation for the repatriation of the Andaman prisoners and as a step in that direction observe an All-Bengal Andamans Day within one week from today. In order to resist the demand for an amnesty, the Bengal ministerial circle have got into the habit of asking for assurances for the non-recrudescence of political violence. No individual can give an assurance which will bind the whole of a society and a popular Government will never dream of asking for it. Now that on official testimony, the minds of the younger generation have turned away from thoughts of violence, the Government can by its own beneficence harness their activity along peaceful channels. . . .

I earnestly hope that the Bengal Ministry will no longer stand on false prestige around itself by immediately ordering the release of the detenus and the repatriation of the Andamans prisoners as a prelude to the release of other classes of political prisoners.

398

Laithwaite to Stewart on Gandhi-Viceroy Meeting

Linlithgow Papers

5 August 1937

MY DEAR STEWART,

I hope that it will be possible to get off to the Secretary of State this afternoon a note of the Viceroy's talk with Gandhi yesterday. We have sent a short telegram giving the general outline. The old man was in the very best of tempers and clearly quite delighted at having been sent for. He is extremely fit and was in his most jocular mood.

2. I dictate this immediately after our arrival in Simla. This matter of a possible voluntary cut in salaries looks as though it would probably prove

both difficult and controversial; and I send at once in case it may interest you copy of a letter and note from Maxwell and of a letter from Nixon which found waiting for me here.

Yours ever,
GILBERT LAITHWAITE

P.S.—The Viceroy's record of his talk¹ with Gandhi has just been typed, and His Excellency, who is not writing to Secretary of State today, asks me to send the copy enclosed to you for Lord Zetland's information.

[ENCLOSURES TO THE ABOVE LETTER.]

Simla, W.C.,
August 4, 1937

MY DEAR LAITHWAITE,

I am sorry not to have been able to send you sooner the background of our telegram No. 814-G. of the 2nd of August with reference to Erskine's letter of the 22nd July about the voluntary cut in salaries. This telegram was intended to be followed up by a note explaining in more detail the general difficulties, but owing to the more urgent matters which arose in the meanwhile I have not been able to dictate it until today. In the meanwhile I have seen Nixon's letter to you of August the 3rd, and you will see from my note that I agree with his attitude.

Yours sincerely,
R.M. MAXWELL

NOTE

Rajagopalachariar's proposal, though outwardly reasonable, is one of the most searching tests of the Governor's special responsibilities that has yet been made and cannot be agreed to without very careful discussion both with other Governors and with the Secretary of State. It will possibly also be advisable to consult some service associations if the proposal is to be discussed further.

2. I find that Mr. Lewis unhesitatingly confirms the view which I at once formed that a proposal to reduce the general level of pay, even if placed on an ostensibly voluntary basis, must inevitably attract the Governor's special responsibility under Section 52 (1) (c), and no action should, therefore, be allowed without his concurrence. Moreover, so far

¹ See No. 396

as the Secretary of State's Services are concerned, no canvassing by Ministers on this point could, I think, be permitted without the Secretary of State's personal concurrence. It is in effect a proposal that his Services, whose pay he guarantees and whom he has to recruit, should forego part of the emoluments which he has fixed for them, and the intention obviously is—as regards Indian members—to establish a convention which will render his scales obsolete.

3. The attack is particularly insidious, because there is real reason behind the proposition that Indian members of the All-India Services are overpaid. This question was before Council last summer and, although I think the truth of this proposition was generally recognised, Council ultimately took the view that the problem was too difficult to face at once, and the Secretary of State agreed. Even these discussions, however, were intended to apply only to future entrants and not to present members of the Services.

4. So far as Services under provincial control are concerned, there is apparently nothing to prevent a Congress Ministry from fixing new scales for future entrants, and it seems likely that this must ultimately come to pass, since false standards of pay have tended to be set up by the adoption of a common basic pay in the All-India Services and Provincial Ministries will naturally be reluctant to perpetuate this position. Even here, however, some care will be necessary not to affect the prospects of persons now in service and the question of determining the stage at which an officer on promotion becomes a new entrant will give rise to many points of disagreement, which will have to be handled with great care in order to avoid any possibility of unfairness.

5. But so far as those now in service are concerned, we have always insisted on the principle that scales of pay once fixed cannot be altered for permanent incumbents, and to attempt to achieve this by so-called voluntary action would be a fraud on the contract. If successful, it would be the first step towards undermining the security and confidence of all the Services.

6. Another and equally great danger is that R.'s proposal would amount to a manoeuvre to make all the Indians in the Services label themselves now as Congress supporters or otherwise and would thus divide them into two political camps. It is also clear that R.'s proposal, if passed, would be pressed in all Congress Provinces and that if any large number of adherents were secured in Madras, it would be much more difficult for Indian public servants elsewhere to withstand pressure.

7. It is in practice impossible to keep any such measure on a voluntary basis. Those who do accept the Congress proposal would be known from the pay bills or otherwise, and it would be impossible to keep the matter secret. This point has been discussed with Finance

Department, who have confirmed that for reasons of audit or otherwise no machinery could be devised by which secrecy could be ensured. If, on the other hand, the results of this voluntary sacrifice were not to become known, can it be seriously supposed that any Government servant would agree to the proposal? Actually a very large number of Indians would not feel free to stand out against the proposal whatever their individual feelings or family circumstances might be.

8. Any surrender of pay on a voluntary basis has certain inherent objections from the point of view of the efficiency and integrity of the public services. A Government servant who voluntarily makes a sacrifice, which could not have been forced on him legally, in order to further the programme or objects of a Congress (or other) Ministry or as a gesture in keeping with their political ideas, to that extent establishes some hold over the powers that be. He can point to his public-spirited sacrifice as a reason for overlooking other faults. The Government will in fact have taken *Bakhshish* from him and discipline will be weakened with its inevitable reactions on public service. There should be no possibility of Government accepting favours from its servants.

9. A proposal with these implications, even though we may feel some sympathy for it, cannot be dealt with on the spur of the moment or without much more detail as regards the proposed machinery than we at present possess. It seems important that the Governor of Madras should make R. realise the very great difficulties and the serious issues likely to arise and, before the proposal can be considered at all, we must have full details and be able to judge how far, if at all, the objections would be met. There is no reason why the matter should be rushed. The proposal is in fact merely a gesture, and it is doubtful whether, even if successful, it would afford any considerable relief to provincial finances, since it is probably not intended to extend it to the lower ranks, which absorb most of the pay bill.

R.M. MAXWELL 4-7-37

399

*Brabourne to Linlithgow on Performance of the Ministry**Linlithgow Papers*

5 August 1937

MY DEAR LINLITHGOW,

1. The past fortnight can, I think, best be summed up in the words "so far, so good", but how long this fairly satisfactory state of affairs will last I would hesitate to say because there are several very controversial proposals under discussion.

2. Decisions taken by my Ministry during fortnight.—(a) One prisoner, who was serving a long-term sentence for a speech inciting to violence but who had only another three months of his sentence to run, was released, but the Ministers have continually assured me that they have no intention of recommending the release of any prisoners serving sentences for crimes of violence and that they do not intend to recommend the relaxation of restrictions on individual Communists. I hope that this good intention will last, but I rather doubt it, and I think it is very probable that, as the result of pressure brought in individual cases, they may try and get me to agree to some relaxation as time goes on. If they do, it will, I think, be necessary to resist any such tendency very firmly.

As reported to you by telegram, the ban on all the Congress associations and on all allied institutions have been cancelled (227 in all) and the securities taken from a number of pro-Congress newspapers have been returned or cancelled in the case of those papers that had not deposited them. Many of the associations referred to above were extremely mischievous during and after the last civil disobedience movement, but practically all of them have been completely defunct for some years past and would have to be reorganised *de novo* before they could come into existence again.

(b) The terms of the first Bills which will come before the Assembly later on this month have now been decided upon. The Ministers will draw Rs. 500 a month plus a motor-car allowance of Rs. 160 and a house allowance of Rs. 100 or whatever greater sum they may have to pay as rent for their houses. The only unfortunate thing in this Bill is that, in spite of my efforts to the contrary, the term, "Prime Minister" is used. I tried my best to persuade the Ministry not to insist on this point, but they quoted the case of Canada to me, where the Provincial Chief Ministers are known as Prime Ministers, and they were completely

unanimous on this point, so I felt that there was no more to be said about it.

Another Bill which has been agreed is one making legal the appointment of Parliamentary Secretaries and it is, I understand, the intention of the Ministry to appoint one Parliamentary Secretary for each Minister, though there is, I believe, some discussion going on between Gandhi and Kher on this point.

3. My first full Cabinet Meeting—This was held on August the 2nd, the main business being to discuss the budget for the second half of the current year, which will be presented on August the 17th. I presided at the meeting, as arranged, but this will not, I fear, prevent Kher from again raising the question of my presiding in the future.

The following decisions were arrived at by the Ministers:—

All areas of land revenue more than one year old are to be remitted at a cost of about 17 lakhs. 5 lakhs will be given in relief of current assessment where they seem unduly high. All grazing fees are to be abolished at a cost of 5 lakhs. 2 lakhs of revenue will be lost by closing down a certain number of liquor shops. 10 lakhs (non-recurring) will be spent on village water supply; 1½ lakhs on village industries and half a lakh on scheduled castes and adult education. There are, of course, other minor proposals, but the above are the main ones.

Apart from these proposals, the Ministers have accepted the draft budget which I had prepared for the second half of the current year.

Non-recurring expenditure will be met out of the surplus of 35-40 lakhs which will be available from last year.

Recurring expenditure is to be met by certain arbitrary cuts of a small amount to be imposed on various Departments and by a cut of 3 per cent. of the total amount at present budgeted for contingent expenditure and travelling allowances in all Departments. This latter cut (travelling allowances) is being put in as a lump-sum cut, and no details will be shown in the budget as to how this amount will be made up because there has not been time to go into the necessary details. The Ministry do not intend to cut the travelling allowances of any officer in receipt of less than Rs. 75 per mensem and, if the travelling allowances of the all-India Services are protected under the Act, they do not propose to suggest touching them (there is considerable doubt on this point in the minds of my advisers here and I am referring the question to you by telegram today). The effect of this will be that, to arrive at a total sum equivalent to 5 per cent on all travelling allowances, it will be necessary to impose a cut of considerable more than 5 per cent on those officers who are not excluded from the purview of this scheme. The detailed orders will not be issued for some time and a warning has been sent to all Departments that a cut in travelling allowances should be expected.

I feel fairly certain that this proposal to reduce travelling allowances is merely the beginning of further proposals of a similar nature, and that orders will, in due course, be issued to those officers who are not protected to travel in a much simpler and, therefore, cheaper way than before. No concrete proposals have, as yet, been worked out, but this is clearly the way in which the minds of the Ministers are moving.

4. Controversial issues under consideration —(a) First and foremost amongst these comes the question of the confiscated lands in Gujarat, about which I have already telegraphed and written to you. It is quite clear that some of the Ministers regard this as an absolutely vital point as they are pledged, over and over again, to restore these lands to the original owners and Vallabhbhai Patel, whose influence over the Cabinet is very marked, is clearly determined that this should be done. I had a long talk with Kher, Munshi and Morarji Desai (who is the real danger in this connection) the day before yesterday, and I made it clear to them that I would, under no circumstances, agree to Government Officers being ordered to bring pressure to bear on the present owners any more than I would allow unfair methods, such as social boycott, &c., to be organised by Congress agents. Kher and Munshi were not unreasonable, but Morarji Desai was very definitely truculent on the subject. I got them to agree that they would take no action until all the details regarding acreage, price, &c., which are now being collected by the Commissioner, had been received and considered, and all that has happened up to date is that they have issued orders stopping any further sales of such of this land as remains unsold.

This is, in my opinion, by far the most dangerous question ahead in this Presidency, and it is one which will require the most careful watching, not only because some of the Ministers are so determined to get this done, but also because of the very far-reaching effects which this might have on the whole question of "peace and good government" in the future.

(b) As mentioned above, the question of my presiding "normally" at Cabinet meetings is still undecided, but I have made my position perfectly clear to the Ministers.

(c) Kher himself is very anxious to get permission from Gandhi to establish social relations with me, i.e., to be allowed to write his name in my book and attend official functions at Government House. He is, I know, in communication with Gandhi on this subject, as also on the question of whether he and the other Ministers will be allowed to attend my successor's public arrival and my public departure.

(d) The Congress flag and "Vande Mataram". These two points are being considered by the Ministers, who will probably wish to cancel all the existing orders restricting the use of the flag and the song. I do not

yet know what their actual proposals will be," but they will require careful watching.

When Kher travelled to Bombay for the first time after he had accepted office, all Heads of Departments and senior Government officers in Bombay were requested to meet him at the station. A considerable number of members of the Congress Party were also present and, before Kher paid any attention to the officers present, he was more or less "mobbed" by his followers who then sang "Vande Mataram", whilst all the officers present had merely to stand by watching this demonstration. This occurrence caused considerable irritation amongst the officers concerned and I can foresee many awkward situations of a similar nature occurring in the future. I propose to make every effort to resist the use of the word "National" in connection with either the flag or the song, but I do not see how we can prevent members of the Congress Party using both as long as they keep them as Party emblems, not National ones.

(e) There have been several cases where individual Ministers have issued orders to subordinate officers direct. I now have the assurance of the Ministers that this practice will cease and that they will conform to the Rules of Business in this connection. In the case of most of the Ministers, their occurrences, were, I believe, genuinely due to a misunderstanding, but, in the case of Morarji Desai (the ex-Deputy Collector), this excuse does not hold water and I would not be at all surprised to find him attempting to break this rule whenever it suited him.

(f) The Ministers are considering the question of nominations to Local Bodies. They wish to abolish all such nominations in future and the whole legal position, particularly as regards the representation of Minorities, is now being examined.

5. Various events—(a) The question of second Muslim Minister is still undecided. I have impressed strongly on Kher that, if he is going to propose any addition to the number of Ministers, he should consider the appointment of a Scheduled Caste Minister. The trouble is, of course, that he is in no way his own master in this connection.

(b) As I feared, the Ministers have decided to cancel, for the ensuing half year, the Government grant to the Boy Scouts and Girl Guides Associations, and I would not be at all surprised if, later on, they were to give the grant to whatever rival institution is eventually set up here.

(c) My Home Department fortnightly letter, enclosed herewith¹ gives details of the discovery of a small gang of youthful amateur terrorists who have been involved in robberies in various parts of the Presidency.

¹ Not printed

As far as enquiries have gone at present, I do not think that any undue importance need be attached to this discovery, but investigations are still proceeding.

6. General impressions.—(a) The most salient impression which I have of my Ministers is the really rather pathetic lack of initiative which is allowed to them by the Congress "Higher Command". The moment any question of more than local importance comes up, Kher has to admit to me that he must first refer the question to "higher authority"—usually to Vallabhbhai Patel, sometimes to Gandhi. The curious fact is that Jawaharlal Nehru's name has not been mentioned once by any of my Ministers since they took office. How long this state of affairs will continue remains to be seen, but, if these Congress ministries remain in office for a year or two, I cannot help feeling that this control will be broken by them, as it is already clear that they are finding it somewhat irksome.

(b) Now that I have had time to see more of my Ministry, I have got the definite impression that there are only three men in it who count at all. Kher may be Prime Minister, but the fact remains that he refers continually to Munshi, who is the real active brain amongst them, and it is really he who is directing the whole policy. Both Kher and Munshi give me the impression of wanting to avoid friction and of being, on the whole, fairly amenable to argument. Morarji Desai, on the other hand, is the real "wildman" among them and he is by far the most dangerous from the point of view of a sudden crisis arising. He tells people, quite frankly, that he is in no way interested in trivial things like budgets and ordinary administration, and that all he cares about are matters like the restoration of the Gujarat lands and the wiping out of all pains and penalties due to the last civil disobedience movement.

7. I attach to this report a short summary² of the past history of Munshi (Home Minister).

Yours ever,
BRABOURNE

² Not printed

400

Erskine to Linlithgow on Working of Madras Ministry

Erskine Papers

5 August 1937

MY DEAR LINLITHGOW,

A good many matters of interest have arisen since I forwarded my last fortnightly report on July 20th.

In the first place let me deal with the release of the so-called political prisoners, about which subject we have already had great deal of telegraphic correspondence.

As soon as Meher Ali, who had been making trouble in the Moplah area of Malabar, was released, he was told by the Premier to come at once to Madras. When he arrived, Rajagopalachari ordered him to return at once to Bombay and to refrain in future from carrying on propaganda in the Madras Presidency. But the night before he left, he indulged in a very inflammatory speech in which he attacked both the British authorities and the right wing Congress leaders, and then caught the train and left the Presidency. This action of Meher Ali's infuriated Rajagopalachari and he very nearly had him rearrested and prosecuted for sedition, but, as he had cleared out of the Province, it was eventually thought better to ignore his latest outburst.

As to the Kottapatam case, I sent you the communique that was issued by my Government on the occasion. You will no doubt recollect that its last paragraph contained a very strong statement to the effect that the preaching of violence in any form for any object would not be allowed in future. It will no doubt be of interest to you to know that this statement actually drafted by the Premier, has been viciously attacked by the Congress socialists down here, as they say the whole tone of the communique implies that the late Government were quite right in breaking up Kameswara Rao's school. This in fact is what the Government statement did intend to convey, and I find that Rajagopalachari is just as keen on the prevention of violent teachings as was the late administration.

I also enclose for your information a circular¹ that has just been sent out by my Government to all District Magistrates on the general question of law and order and of the release of these political prisoners. It is in my view excellent, and was drafted by the Premier himself in substitution

¹ Not printed

for a considerably milder draft that had been put up by the Chief Secretary.

To turn to another subject, there has been a little trouble in regard to certain Ministers' speeches dealing with the Services.

I would stress the fact that no objection whatever could be taken by anybody to the references to the Services in the speeches made by the Premier himself, indeed his remarks on this subject have been consistently friendly and helpful. But Mr. Giri, the Minister for Labour, went up to Waltair some ten days ago and made a speech in which he was reported to have made some unfortunate remarks about the Police. On the Premier's attention being called to this matter, he held an informal meeting of all the Ministers and impressed upon them the fact that, as the Services were the servants of the Ministry of the day, it was the duty of Ministers to support the Services and not to attack them. Giri stated at this meeting that he had not said anything like what he was reported to have done at Waltair, and he complained bitterly of the shorthand writers who took down his speech. It is probably quite true that he was misreported for, as we all know, the reporting of speeches in India, even in the Presidency towns, is very bad and in a place like Waltair it is no doubt even worse. But the trial result of this incident was that the Premier made Giri go to Madras Congress House that evening, and make a speech in which he denied having said what had been attributed to him and in which he went to make an extremely satisfactory statement as to the attitude of Ministers vis-a-vis the Services.

I presided over the Budget Cabinet on Friday last July 30th. The only real change, that has been made in the late Ministry's budget proposals is the introduction of prohibition into the Salem District. This will cost 11 lakhs this year, and, in order to make up for this loss, certain part II schemes that had been agreed to by Sir K.V. Reddi and his colleagues have been cut out and it is proposed, for this year only, to borrow to meet the charges for commutation of pensions. These changes make the Budget balance and I am informed by the Finance Secretary that the Auditor-General will be satisfied with accounts.

As to the introduction of prohibition in the Salem District, it is of course of most doubtful policy. But I am quite sure that the Ministry should be allowed to experiment in such matters, for it is only by trial and error that they will learn to govern. I fear that we shall have a lot of trouble over the enforcement of the Ministry's policy in this district. The toddy renters are a very influential body and, besides, the many thousands of toddy tappers are already, beginning to ask what employment is going to be found for them and when their present livelihood is removed. In fact, I am pretty sure that the popularity of Congress is going to be considerably reduced in this district before many weeks have passed.

Another important District which is already very dissatisfied with my present Ministers is Coimbatore. Here the leading personage was a well known member of the Justice Party who joined the Congress and returned his title of Diwan Bahadur just before the elections in the belief that he was to obtain a place in the Cabinet, if the Congress were in a majority. He did not get a Ministry and as a result he and his many friends are most disgruntled. But, over and above these personal matters, there is a general dislike and distrust in the Coimbatore District of the policy of pushing Khaddar, which is perhaps naturally being indulged in by Ministers. For the mill owners and their labourers, however much they may favour a policy of buying Indian produced cloth as against foreign are in no way favourable to a policy that will encourage hand spun cloth as against their own product.

As to the position of the Premier himself, there is no doubt but that he is a sort of dictator and in fact runs the whole show. It is entirely due to his personality, and influence that the general position in Madras is so good. Being one of the inner ring of the Congress himself, he can afford to disregard criticism and enforce discipline in the Congress Party in a way that no other local leader could possibly attempt. But it is a one man show and his colleagues have about as much intelligence as the Justice leaders, and that, I fear is not saying a great deal. So long as he can carry on, I feel the Administration will run without much trouble, but, should anything happen to him, we should be all over the place, for there is no one at present who could step into his shoes.

I am personally of the opinion that he is overworking and I am trying to get him to hand over one of his portfolios to somebody else. At the moment he is not inclined to do this, as he says that he does not trust the ability of any of his colleagues to run such a department as Finance. But in a little time, when things are more settled, I hope that he will consent to Dr. Subbarayan, who has now arrived, taking over some of his work.

There is only one other matter in which I feel you may be interested. Last week the Speaker, who is of course a Congressman, gave a somewhat remarkable tea party. The guests were the Ministers, Sir K. V. Reddi and his late colleagues and the leaders of the European group. I should doubt whether in any other Province it would be possible at present for the late and the present Ministers to meet in this sort of friendly and social manner. Sir William Wright, who was present, tells me that the party was a great success.

Yours very sincerely,

ERSKINE

401

*Haig to Linlithgow on Composition of UP Cabinet and Political Problems
Facing the Government*

Linlithgow Papers

CAMP

6 August 1937

[STRICTLY CONFIDENTIAL]

MY DEAR LORD LINLITHGOW,

I am sending my ninth fortnightly report on political conditions in the United Provinces under the new Constitution. I have myself been a good deal handicapped during this fortnight as I went down on the 23rd July with a bad septic throat which kept me in bed for over a week and has left me still feeling not very strong. The Civil Surgeon has urged me to get away to Nainital for a fortnight, as he thinks this will enable me to pick up quickly, and consequently, though it is not convenient, I am leaving on the night of August 7th for Nainital and propose to be back in Lucknow again on the morning of the 20th.

2. Negotiations with the Muslim League, which in the end led to nothing, caused considerable delay in the completion of the Cabinet, but eventually Pant informed me on the 28th that he wished to complete the Cabinet, by the appointment of Pandit Piyare Lal Sharma and Hafiz Muhammad Ibrahim, the latter being a Muslim who had secured election as an Independent, but had subsequently gone over to the Congress. I had these two up the same day, and they took the oath of office before me while I was still in bed. The complete Cabinet, which consists only of six members, is on the whole of a comparatively moderate character. The real extremists have all been omitted, with the possible exception of Mr Rafi Ahmad Kidwai. The two most important and most able members are the Premier himself and Dr. Katju, the latter at the time of his appointment being the leading lawyer at the Allahabad High Court bar, and they are both on the whole men of reasonable views. Mrs. Pandit, sister of Jawaharlal Nehru, has charming manners, is full of intelligence and discusses administrative problems in a most practical and reasonable way. Owing to my illness it is only within the last day or two that I have established contact with the individual members of the Cabinet, though I have seen Pant frequently. Before I saw the other members, I was anxious to ascertain his general views about procedure. I asked him whether it would be convenient to them that I should see them regularly once a week as I used to see the members

of my late Government. He said they had not contemplated any such regular interviews, but they would always be ready to see me at any time that I might send for them. On the whole Pant's idea evidently is that the main question of policy should be put before me by him. I think this is a perfectly satisfactory arrangement on which to start work. I have no doubt that as time goes on I shall see quite as much as I want to of the other Ministers. Meantime, I am arranging to see each one of them individually before I leave for Nainital. The Ministers have settled down very well with the Secretaries and speak in terms of high appreciation of them.

3. I had to settle my last two nominations for the Upper House while I was still in bed, but they gave much less trouble than I had anticipated. I wanted to nominate a real representative of Labour, and I selected Pandit Harihar Nath Shastri, the President of the Mazdur Sabha of Cawnpore, who, though he has given a good deal of trouble in the past, showed signs of being helpful and anxious to work in with the Government in connection with the present strike situation. Unfortunately, as so often happens, as soon as a labour leader shows signs of being reasonable he is thrown over by his followers, and that I am afraid is what is happening now. For the other nomination I wanted a Muslim lady, and decided on Lady Wazir Hasan, who, while she was in Lucknow, took a good deal of interest in women's work.

4. Another problem that had to be settled at the same time was the appointment of the Advocate-General. I had had some talk with the Premier and found he was fully in agreement with me that our primary requirement was a sound lawyer of sufficient standing in his profession. I was very glad when he put up to me the name of Dr. Narayan Prasad Asthana, who was on the whole, in my opinion the best man available and would probably have been selected by the late Cabinet. He is a Liberal in politics, and the appointment brought down on the Cabinet very outspoken criticism from their own followers. But they stood up to it well, and the appointment has set, I think, a very sound precedent.

5. I have had a good deal of correspondence with Your Excellency about the question of my presiding normally at Cabinet meetings, and I have placed you fully in possession of the strong objections that the Premier raised to this principle, objections which at one time he suggested he might have to push very far. I had another long conversation with him on the subject a few days ago, and while he did not in any way abate his objection in principle, he seemed to be coming round to a realisation of the fact that he would have to acquiesce. He said that before giving me a final answer he would like to consult the members of the Cabinet. Yesterday, however, a matter came up which obviously required a very early Cabinet meeting. I wrote to him about this and said that while I did not at all wish to press the issue at the moment, it did

seem very desirable to have a meeting of the Cabinet before I left on Saturday evening, and that if the Cabinet meeting were held before I left, I should feel bound to attend. He wrote back very reasonably, agreed that a Cabinet meeting should be held before I left, and raised no further objection. I hope that this will settle this troublesome question, but the decision is certainly decidedly distasteful to the Premier. He has told me that he would like to discuss at this Cabinet meeting the question of the Rules of Business. I gather that they wish to raise certain points for my consideration, and I have agreed that we should discuss them.

6. The problem which now seems to me likely to give the most serious trouble in the near future is that of the release of the political or revolutionary prisoners who have been convicted of offences connected with violence. I have communicated the present situation in some detail to Your Excellency in my telegram No. 37-G., dated 5th August. The political pressure on the Cabinet to do something substantial in the way of releasing these men, particularly the Kakori prisoners, will obviously be very strong, and the Cabinet themselves will be emphatically in favour of taking this course and will want to pass orders before the Assembly meets about the 25th August. The question whether I could justifiably regard the release of these men as constituting a grave menace to the peace and tranquillity of the Province is very doubtful, though I have not yet looked into the cases in detail. If, owing to pressure by me on the Cabinet, there were appreciable delay about passing orders, there is to my mind a likelihood that one or more of the Kakori prisoners will start another hunger-strike, particularly in view of what the Andamans prisoners appear to have secured. That would create a situation which would be as difficult as could be conceived, since it would be doubtful whether on merits I should be justified in refusing to release them. The Cabinet would clearly not be prepared in any way to resist such a hunger-strike and would demand instant release. To release them under these circumstances would have a deplorable effect, far worse than if they were released previously without the coercion of a hunger-strike. Though I recognise the complications that have been introduced by the hunger-strike in the Andamans, I am still disposed to think that if we are to avoid a situation which would place the Cabinet and the Governor and the administration in the most deplorable position, the conclusions stated in my telegram No. 25-G. of July 16th¹, and in particular in paragraph 5 of that telegram, should be acted upon.

7. The Labour situation in Cawnpore continues to give cause for anxiety. As I have indicated above, Labour leaders who have shown an inclination to moderation are finding that they cannot carry their followers with them. The Premier's attempt at settling the strike

1. See No. 364

failed, as the agreement was repudiated by the Labour organisations. Dr. Katju, the Minister for Industries, visited Cawnpore yesterday and his efforts also appear to have been unsuccessful. The communist element is not prepared to consider the convenience of a Congress Government, and indeed evidently feel that with a Congress Government in office, they have an excellent opportunity of pushing their extreme claims. The police report that the situation has been aggravated by the release, on which the Cabinet insisted, of five Labour leaders in Cawnpore who had been dealt with under Section 108 of the Criminal Procedure Code. The Premier was not prepared to believe in the danger of these communist agitators. Now, I think, he is beginning to realise his mistake. There is, I understand, no immediate apprehension of any serious breach of the peace, though the local authorities are taking all necessary precautions; but it looks as if the strike, which has now extended to several mills, would continue for some time and may spread further.

8. The opening of the first session of the new Legislature on the 29th July was made the occasion for very striking Congress demonstrations outside the Council House. The Congress flag was hoisted, there were organised processions of villagers, and a good deal of public-speaking, Nehru himself being one of the speakers. The demonstrations undoubtedly impressed people in Lucknow with the strength of the Congress, and the landlords were considerably alarmed at the general tone.

9. The election of Speaker of the Assembly and President of the Council took place on the 31st July. Babu Purshottam Das Tandon was elected without opposition as Speaker, but he caused a great deal of comment and criticism by announcing that he did not believe in the British practice of the Speaker cutting himself off entirely from politics, and that while he would conduct the business of the Assembly with complete impartiality, he intended to remain an active member of the Congress party. This was probably part of the understanding in accordance with which Babu Purshottam Das Tandon was put up as Speaker instead of being included in the Cabinet. He was in fact at one time regarded as a possible rival to Pant for the Premiership, and doubtless he was not prepared to accept the Speakership if it meant abandoning his position in the party. The election of the President of the Council was contested, but Sir Sita Ram, who had been for many years President of the old Legislative Council and had been nominated by me to the present Council, was elected by a substantial majority over the Congress nominee. I think this is a satisfactory result, for Sir Sita Ram will, from his experience, make an excellent President and he has a high reputation for impartiality. It seems to me particularly satisfactory that

he has been elected as President of the Upper House in view of Babu Purshottam Das Tandon with his unorthodox views having become Speaker of the Assembly. The Congress were very anxious to secure for one of their men the Presidentship of the Council, but they seem to have reconciled themselves now to the situation.

10. The Premier made a general statement of the policy of the Government, a copy of which I enclose.¹ Apart from the affirmation of the goal of Independence and the rest of the extreme theoretical position of the Congress, the practical programme was on the whole on fairly moderate lines. It is particularly interesting to see that on the big questions of reform of the tenancy law and debt relief the Government intend to consult all shades of opinion and to include representatives of all parties in the committees which are to be set up to consider these difficult matters. Both in the Assembly and in the Council notices were given of motions for the adjournment of the House to consider the action of His Majesty's Government with regard to the Palestine Report. In both cases I disallowed the motion, as I considered it was a bad precedent to allow discussion of foreign affairs in the provincial Legislature. There was very little criticism of my action.

11. The Opposition in the Assembly appears to be crystallising into two parts. There is first the Muslim League Parliamentary Board under the leadership of Khaliquzzaman, which includes those Muslims who approach most closely to the Congress policy and were conducting the negotiations about joining the Congress Government which eventually proved abortive. The other part is a so-called independent party under the leadership of the Nawab of Chhatari, which consists of the remainder of the Muslims and a handful of Hindus. They claim to number 32 which must be something in excess of the Muslim League Parliamentary Board section. I think the landlords will argue their case very fully when the actual proposals of the Government come forward.

12. The Legislature sat for only five days and have now adjourned. They will meet again about the 25th August, and it is anticipated that the session will last a month. The budget will be introduced on the 1st September. The Cabinet will have great difficulty with the budget. The Premier, who has taken the Finance portfolio in addition to that of Home, is not prepared to accept the more sanguine anticipations of his predecessor, and estimates that as the budget stands at present it will show a deficit of 28 lakhs. He is very anxious to wipe out this deficit without recourse to fresh taxation. He has been turning over in his mind the possibility of covering the deficit by making a cut in the pay of the Services, but he is definitely reluctant to do this, and the latest

¹ See No 391

information I have is that he has given up the idea, though I cannot be positive yet about this. I cannot myself understand how, if he does not touch the pay of the Services, he can possibly cover this deficit of 28 lakhs by retrenchment. I am sorry that I shall be away from Lucknow while he is considering his main budget proposals, but I hope to be kept in close touch with what is going on and to be here again in time for the final discussion on the budget.

13. I am naturally concerned mainly at present with the very numerous points of difficulty and delicacy which arise at headquarters in connection with the launching of the Congress Government. But behind all this one has to consider what is the effect on the minds of the people of the Province and the members of the Services. It is too early for me yet to form any judgement about this, and indeed the situation in these respects is still, I think, very fluid. People in general are somewhat uncertain and bewildered, and it will be some time before they settle down to a new attitude.

Yours sincerely,
HARRY HAIG

P. S. V.

I cannot feel that the existing position in the U.P. raises in rather acute form the position of the Governorship in its relation to the whole machine of government, at times when the Governor himself is removed from his usual activities by illness. The Premier cannot by the constitution take the G.'s place. Is there a case for a deputy being told off to do the essential work, and to keep the G. informed. It would not appear that G.'s Secretary ought to do it. In the event of a severe political crisis, this matter may I feel emerge as one of the highest importance.

LINLITHGOW,—8—8—37.

402

Bombay Government's Note on Release of Political Prisoners

Munshi Papers

6 August 1937

The Government have seen resolutions in the press passed at public meeting asking for release forthwith of the prisoners whose movement is restricted under the Emergency Powers Ordinance. Letters and resolutions have also been received by the Premier supporting the movement for the immediate removal of the aforesaid restraint. The

Government welcome these expressions of public opinion for they give them an index of the mind of the people on whose good will and confidence alone can they depend for their existence and for the proper carrying on of the affairs of the Presidency. The Government desire to state that they wish to remove the restraint and the ban on certain organisations at the earliest opportunity. They are fully aware of the pledges given in the Congress Election Manifesto and they will endeavour to the best of their ability to carry out both the letter and the spirit of those pledges. But they have constitutional difficulty in taking immediate action. Indeed, it is the desire of the Government to repeal the Emergency Powers Ordinance without delay. For they believe that Government responsible to the people cannot afford to rely upon emergency powers in normal times. It will ill behove Congressmen, who are under the Congress constitution pledged to non-violence in the struggle for freedom, to resort to drastic methods of emergency legislation. Government by Congressmen has got to show by its actions that it preserves the peace of the land under its administration by moral authority and not by the aid of the Police not to speak of the military. And in this endeavour to prove the moral authority of this Government the ministers rely with confidence upon the good will and active support of all concerned.

403

Hallett to Linlithgow on the Transfer of Bihar Prisoners

Linlithgow Papers

GOVT. HOUSE, PATNA
7 August 1937

NO. 578-G.B.

MY DEAR LORD LINLITHGOW,

As I have informed you by wire, your telegram in reply to my two telegrams No. 1036-G.S. and No. 1037-G.S. about political prisoners arrived after I had had my discussion of the three points which has arisen at my first Cabinet meeting. I can send to Laithwaite my Secretary's notes of the discussions which show what happened. It is difficult to get the Ministers to argue very much, and they stuck to the views already recorded by the Premier, but I hope my statement of the case had some effect on them.

2. As regards repatriation, there is one matter to which I must refer; my Chief Secretary told me on Thursday that the Premier wanted to

send a wire to our Bihar prisoners saying that they would be brought back and asking them to call off the hunger-strike. Luckily I was able to stop this, and I enclose a copy of Brett's letter to the Premier of 5th August.¹ I have possibly rather under-emphasized the general point that no concession can be made to hunger-strikers during a strike and may have appeared to take too much shelter behind the reactions on other Provinces. During the discussion in the Council I quoted to my Ministry a wire which I had received from His Excellency Sir John Anderson in which he had said "if any concession or contemplated concession is made known while hunger-strike continues, not only will it make situation here more difficult, but I fear may arouse false hopes and contribute to prolongation of strike". I supported this view, but the Ministers' reply to this was that there will be an awful outcry if any of the prisoners were to die. They still look at questions more from the point of view of the individual than of the State. I have, I am afraid, rather thrown the burden on you and the Government of India, partly because I was advised that legally an order for transfer must issue from the Government of India and partly because it seemed that at this stage this was the safest way of stopping my Ministers from doing anything stupid during the pendency of the strike. They will therefore be wiring to the Government of India recommending that an order of transfer should be issued and it may be necessary for me after I have seen that wire to send some further comments to you.

3. I quite recognise that transfer even after the strike may be troublesome and involve some risk, but I feel that if any trouble such as an escape from jail does arise as a result of the transfer, it will bring home to the Ministry far more forcibly than any verbal argument the danger of concessions to terrorists. I do not think the trouble will be really serious as the number of our prisoners is small. The real difficulty will arise, as you recognise, when a Ministry recommends release of these violent prisoners, but my Ministry have not yet got on to that point. I agree with you that we may then have to take a firm line. I trust I have not as yet in any way compromised the position, though I must confess that the "thin end of the wedge argument" is not absent from my mind.

4. I have agreed to cancellation of the order under the Criminal Tribes Act. This Act deals with the lesser fry and it was possibly rather stretching the law to use the Act at all. It was used when no other weapon was available.

5. As regards the persons against whom orders of restriction to a particular area have been passed, I have looked into their cases and except possibly in three cases the persons are not dangerous. Some time

¹ Not printed

has elapsed since terrorism was bad in Bihar and if they are watched by the police, a condition to which my Ministers agreed, I doubt whether they will become active. It must also be remembered that other Provinces such as in particular the United Provinces have got on without using any special powers against persons suspected of, but not proved to have been connected with, terrorist crimes. About three persons I was doubtful, but of these two were active during the Tirhut trouble of 1929-32, and I think police surveillance will enable us to keep a watch over them. One of them Ram Binode enjoyed rather the same position in Tirhut that Subhas Bose did in Bengal, and I feel that if Subhas can be safely released in Bengal, there is less risk involved in releasing Ram Binode in Tirhut. Another person Ram Briksh is mixed up with the present bomb case in Patna, and I persuaded the Ministry to hold up orders about him till they had seen him. I shall therefore have another opportunity of discussing this case. It would of course be easier for the police if these orders were kept in force, but I do not think it will be impossible then even now to see that these persons do not revert to their former habits.

6. I trust you will not consider that I have gone too far. Terrorism has not sunk deep into Bihar and has no popular support and I think I shall be able to stop a revival, should any such attempt be made.

Yours sincerely,
M.G. HALLETT

404

Madras Governor to Viceroy on Resolution for Constituent Assembly

Erskine Papers

7 August 1937

In continuation of my telegram No. 97C dated 2nd August following is the text of the resolution for the next session of the Madras Legislative Assembly which the Premier wants to be considered at the meeting of the Council of Ministers on August 14th. Begins. "This Assembly recommends to the local Government to forward to the Government of India and to His Majesty's Government, its emphatic opinion that the Government of India Act, 1935, should be replaced at the earliest possible date by a Constitution in consonance with the aspirations of the

people of India as expressed in the resolution of the Indian National Congress, and that the assumption of Office by Ministers in this Province should by no means be understood as a surrender of the national demand for a constitution to be shaped by the representatives of the people of India duly summoned to a constituent assembly convened for the purpose." Ends.

As far as I can see I have no authority to disallow the resolution. Resolutions on general constitutional issues have been discussed before in the old Legislative Council.

405

Nehru's Call for All India Demonstration on the Andaman Day

Amrita Bazar Patrika, 7 August 1937

Pandit Jawaharlal Nehru has issued the following statement¹ through the United Press:—

For some days now we have lived under oppression of the thought that nearly two hundred of our countrymen are on hunger-strike and they are painfully starving to death.... I dislike hunger-strike. I do not encourage them. But I know something also of the sorrow that surrounds these people who in desperation are driven to these painful courses.... I am told that even on the present occasion every effort was made by other means and when these failed a few political prisoners resorted to hunger-strike. Taunts and insults on the part of the authorities followed and this resulted in the spreading of the hunger-strike to hundreds.... But let it be understood that if anything happens to these young men, India will be aflame with anger and will not forget it or forget those on whom the responsibility for this will lie. Constitutions are as dust in scale, if they cannot give us power to protect our own people. We have seen what is called Provincial Autonomy is functioning in Bengal and Punjab. It is the same ugly thing that we have known so long and which crushes our people. How long are we going to tolerate the continued incarceration of detenus? It is time that halt was called to this infamy. The recent order of the Bengal Government forbidding at the instance of the Press Censor even the publication of the news of Detenu Day shows the depths to which this Government has fallen. Each one of us who is silent compromises with these evils and tolerates them. This is not a matter concerning Bengal only but one

¹ Issued from Allahabad on 6 August 1937.

which affects the whole of India and which touches the honour and dignity of every Indian. I trust that every Congressman will do his utmost at this juncture to make the voice of people heard and their wishes acted upon in regard to the Andaman prisoners and detenues. That is our primary duty today.

I understand that in Bengal August 9 has been fixed as the Andaman's Day. This day is too near perhaps for All-India demonstration. But on this day or the day as soon after as possible, I trust that demonstrations will be held all over India....'

406

Pant to Nehru on Urgent Tasks Before UP Cabinet

Nehru Papers

LUCKNOW
7 August 1937

MY DEAR JAWAHARLALJI,

I am afraid that urgent work here will not permit me to attend the forthcoming meeting of the Working Committee at Wardha. I have to handle an endless series of files which are ceaselessly pouring in and there are besides other urgent problems, which call for special consideration, cropping up every day. I am specially responsible for the preparation of the budget and it has to be put into final shape before the 20th which is the latest date for passing it on to the press. The situation in Cawnpore has deteriorated considerably, and although I am still clinging to the hope that a satisfactory solution may be found within a day or two the affairs there need constant vigilance for several weeks and immediate steps will have to be taken to expedite inquiry in order to arrive at concrete results without any loss of time.

We are all treading on unfamiliar ground and there are undoubted risks. It is equally true that office acceptance does not quite fit in with our normal programme and policy. The traditions that we have built up and which we are all equally anxious to maintain make the task still more complex. There is besides an initial handicap of a somewhat serious type as, while persons who have to discharge these heavy and intricate responsibilities stand in need of implicit and most generous support, above all at the start and for some time, there is, because of the novelty of the experiment and other psychological causes, a tendency towards suspicion and too close a scrutiny of their actions, particularly at the

beginning. Again, there are inevitable disappointments over selections for the Cabinet and Secretaries, etc., and the more one feels, whether rightly or wrongly, that he has a legitimate grievance the greater is the cause for irritation. All these factors have combined together at the very start and add to the intricacy of the situation. There was consequently a mild storm over the appointment of the Advocate-General. There was a report in the press. It was not quite correct, and I believe that by the time we finished there was no real dissatisfaction left. Most of the members had, I think, come to appreciate our position even at its commencement. I doubt if it was a spontaneous move, but the whole affair was unedifying and has brought home to me the weakness of our position. The Cabinet is undoubtedly a subordinate body and the Party has an unfettered right to treat it as such. But all these things call for a proper sense of perspective and if that is lacking nothing else can retrieve the position. I was really sore over the publication of the proceedings. Our meeting continued, I think, till about midnight and an account of it appeared in the *Pioneer* within a few hours. The correspondent had done the mischief cleverly by introducing a few words here and there and laying wrong stress on different points mentioned in the report. We had cleared the House of all outsiders and there was a definite understanding that the proceedings would be confidential. I wonder how they got into the columns of the newspaper within a few minutes of the dispersing of our meeting. I do not know what is passing in other provinces, but I am really mortified over what has happened here, especially as it gives an impression that we do not carry the confidence of the Party and that it is determined to keep a vigilant and watchful eye over us. During the last few days the whole of the day and the major portion of the night had to be distributed between the Legislature and the Cabinet and Party meetings and, if I am not mistaken, I think on the whole the last took most of our time.

Several basic questions are bound to arise in course of time and perhaps sooner than one would desire. I have seen the reports of the District Officers, of which I will be sending you a consolidated abstract soon, indicating that speeches had been delivered suggesting non-payment of rent and a veiled recourse to violence. I cannot vouch for the correctness of these statements and have had no time to make any enquiry. A little ferment in all transitional stages is inevitable, but unless due emphasis is laid on the strict observance of non-violence there are chances of real complications arising within a short time. We are doing all we can to evolve a new rent and revenue policy and are not allowing any grass to grow under our feet. We have done more in this respect at the very first meeting which was intended only for the swearing in of the members than other provinces will be able to achieve for several months yet, and we have followed up our declaration of policy with definite

instructions to the district authorities. But if it is accompanied by a spirit of non-cooperation on the part of Congressmen I do not know how we will manage to advance further. We have already taken steps to stop reporting in public meetings and we have declared our determination to protect and promote the civil liberties of the people, but if violence is preached, whether openly or otherwise, or people are asked to defy the laws or to ignore them, although we are not only not following civil disobedience but some of us have had even to assume office on behalf of the Congress, it will create another grave puzzle for us. We have already declared that we will not take action for sedition nor ban institutions or speeches, but if violence is countenanced even by a few Congressmen and if there happen to be stray outbursts here and there, where will we stand then? Freedom has its corresponding responsibilities and it can be enjoyed only in the measure in which those responsibilities are realized. I have no doubt that all these aspects must have occurred to you and presumably the Working Committee will decide to issue very clear, definite and strict instructions.

The question of the release of political prisoners convicted of offences involving violence has not yet been finally disposed of. I should like to have clear instructions in this regard. Should we ask for the release of every person convicted of such offences, irrespective of the merits and the period that he may have undergone and his antecedents, etc., or are these cases to be decided individually on their own merits? Should any discrimination be exercised or a general order insisted upon? Then another problem faces us. A person may have been convicted of such activity shortly before our assuming office. A conviction may take place hereafter—in fact we have a case before us as Malkhan Singh's appeal has been dismissed by the Sessions Judge and he has been sent to prison. Should he also be released?

The question of hoisting the national flag on the Assembly and Secretariat building and other Government buildings is likely to be raised at some stage or other. It had in fact been mentioned in one of the resolutions tabled for the last session. What should be our attitude?

The Cawnpore labour situation is giving us cause for immense anxiety. I went over to Cawnpore immediately after assuming office and was successful in bringing about an understanding between the representatives of the Mazdoor Sabha and the K.J. Jute Mills that were under strike then. I had in fact persuaded the management to accept bodily the terms proposed by the Mazdoor Sabha, of course in consultation with me. But the workers revolted as some of the labour leaders were not satisfied with what had been arranged between the office-bearers of the Mazdoor Sabha and the mill owners, but they surrendered after holding out for two days. This was followed by a

strike in another mill. We have made every effort to keep in touch with the Mazdoor Sabha and their President is now a member of the Legislature and we have reiterated the Congress policy and expressed our readiness to appoint a committee of enquiry. The man whom we have appointed as Labour Officer was in fact suggested by the labour leaders themselves as the most suitable for the purpose. Katju went there personally and the matter was all but settled and it would have been completely closed but for the stupidity and pugnacity of Gavin Jones. The District Officer has been exerting himself unceasingly with a view to bring about a proper atmosphere. We would have appointed a committee ourselves, but, apart from its having no legal power, there was the danger of the mill-owners refusing to readmit the labourers whom they might consider undesirable from their point of view and of victimising them and even of their imposing fines as the strikes had not been called in a regular way. There was throughout a danger of breach of peace. Most of the labour in Cawnpore is unorganized, not more than 5 per cent being members of any union. The strikes came off in quick succession. We have been throughout exercising a restraining influence on the Collector and he himself was anxious not to do anything embarrassing to us. But there were some unfortunate incidents yesterday and one man was injured though, I am told only slightly, with a pistol. The situation is still grave. I need not say more. I await your instructions. We have so far not troubled you, although more than once my impulse was forcing me that way, but I thought that you have enough of our burdens already and unless it becomes inevitable it would be still more selfish to add to them. But I think I cannot postpone the issue now and would earnestly request you to consider the advisability of your going to Cawnpore. I have every confidence that matters will be eased and settled once you go there, but if my view does not commend itself to you I will not press it further. Again, the large question of maintenance of public tranquillity has to be considered and I would feel relieved if the Working Committee gives us directions in this connexion.

Sardar Patel has written to me that it is not desirable that we should purchase any cars or that any allowance should be given to the Ministers over and above Rs. 500 or that any Parliamentary Secretaries should be employed on salary. The Working Committee will now consider these matters. If we do not purchase State cars, we can either give up the idea of using cars at all or we have to hire them and in the latter case it is bound to be much more expensive. Of course we will gladly abide by the wishes of the Working Committee; but how far a busy Minister will be serving the public in an economic manner if he goes about on foot or by a tonga is not clear to me. The Maulana had told us that the Parliamentary Secretaries should be paid Rs. 500 per month. The Party

has decided that they should get Rs. 350 instead. We cannot do without such Secretaries and unless we pay them we cannot shift our burdens on to them. Perhaps they cannot take them up unless they have something to live upon and we ourselves would not like to make such a suggestion. I am most anxious not to live in a big house—the charges for electricity, water etc. become prohibitive—but some sort of residence is necessary and unless the State provides it or pays for it there seems no other way out. The members of the Party were almost unanimously of the opinion that they should get a monthly salary. They will feel really disappointed if even the allowance which they are now receiving is cut down.

There is another important matter to which I have to invite your attention. There have been prolonged discussions between the Governor and myself as to who should preside over the meetings of the Cabinet. We had some meetings just before the last Assembly session and I presided over them. I had told the Governor that I would not agree to any other arrangement, but luckily he was ill then and thus a way out opened itself. We are having a meeting today and I have consented to his presiding over it. He is going to Nainital this evening and I will be free to convene and preside over meetings relating to important matters pertaining to the budget during the next week. He has been unobtrusive and throughout nice. After I had argued the matter with him he told me in confidence that he appreciated my point of view but that he had definite orders from the Viceroy that he should preside over these meetings. When the Viceroy passed through Lucknow the other day on his way back to Delhi, the Governor travelled with him from Rae Bareilly to Lucknow. He again told me that he had another talk with the Viceroy and that he had in fact told him that he had no doubt that our Cabinet was competent enough to manage its affairs but still the Viceroy had not relented and he had told him that it was the definite intention of the Parliament and the Parliamentary Committee that the Governor should preside. According to the existing Rules of Executive Business it is the Governor who should preside over these meetings. We are making proposals to amend them to the effect that normally the Chief Minister will preside, though the Governor may, when necessary, do so, as he has such discretion under the Act. I have told him in unequivocal terms that I would not submit to the existing rule and that on this point I would not yield. It is the Council of Ministers and it is exclusively their business and normally it is as much their right as their duty that one from among themselves should preside. This question must have arisen in other provinces also. In fact I find that in all other provinces the Governors have been presiding. I think the Working Committee should definitely decide this matter and there should be no room for doubt left on this question.

I have already inflicted upon you much more than I had intended; so here I stop. Sarup is moving to another house. Hereafter I will have much more accommodation than I myself need. Trust Indu is doing well.

Yours affectionately,

G. B. PANT

407

Gandhi's Plea for his Refusal to Interfere in the Selection of Ministers

Harijan, 7 August 1937

I have been receiving several letters from different provinces protesting against the exclusion of their or their friends' names from ministerships and asking me to intervene. I do not think there is a single province from which such complaints have not been received. In some such letters dire results including communal riots have been threatened, if the excluded person's claims are not considered.

In the first instance let me say that I have not intervened in any single case in the selection of ministers. I have no right, having completely withdrawn from the Congress, to intervene in such matters, even if I had the wish which I have not. My participation in Congress affairs is confined to tendering advice on the issues involved in office-acceptance and on the policies to be pursued in the prosecution of our march to the goal of Complete Independence.

But it seems to me that my numerous correspondents who have been writing voluminously think that ministerships are prizes for past services and that certain Congressmen can demand their inclusion. I venture to suggest to them that ministerships are avenues to service which those who are called to it should render cheerfully and to the best of their ability. There can therefore never be a scramble for these offices. It would be decidedly wrong to create ministerships for the sake of conciliating interests. If I were a Prime Minister and I was pestered with such claims, I should tell my electors to choose another leader. These offices have to be held lightly, not tightly. They are or should be crowns of thorns, never of renown. Offices have been taken in order to see if they enable us to quicken the pace at which we are moving towards our goal. It would be tragic if self-seeker or misguided zealots were allowed to impede the progress by imposing themselves on Prime Ministers. If it

was necessary to have assurances from those who have ultimately to clothe ministers with authority, it is doubly necessary to have assurances of understanding, of loyalty beyond suspicion and of willing obedience to discipline. The grim fight in which the country is engaged cannot be won if Congressmen do not show in their conduct a sufficient measure of selflessness, discipline and faith in the means enunciated by the Congress for the attainment of the goal.

Thanks to the Karachi resolution, ministerships under the Congress aegis have no pecuniary attraction. I must say in parenthesis that considering Rs. 500 as if it was the minimum instead of the maximum was a mistake. Rs. 500 was the last limit. Had we not got used to the excessive scale of salaries imposed upon the country, we would have regarded Rs. 500 to be excessive. The Congress scale has been generally, for the past seventeen years at least, Rs 75 per month. In its three great constructive all-India departments, national education, khadi and village industries, the authorized scale has been Rs. 75. These departments contain men who are good enough, so far as ability is concerned, any day to be ministers. They have distinguished educationists, lawyers, chemists and merchants, who if they were so minded, could easily command over Rs. 500 per month. Why should the fact of becoming a minister make the great difference we see? But the die is perhaps cast. My remarks represent my personal opinion. I have too high a regard for the Prime Ministers to question their judgement and wisdom. No doubt they thought that this was the best in the circumstances facing them. The point I wish to make, in answer to my correspondents, is that these offices have not been taken in view of the emoluments they offer.

And then they have to be given to those only in the party who are best able to discharge the duty to which they are called.

And, lastly, the acid test is that the choice must commend itself to the members of the party to whom the Prime Ministers owe their nomination. No Prime Minister can for one moment impose a man or woman of his choice on the party. He is Chief because he enjoys the full confidence of his party as to ability, knowledge of persons, and the other qualities that mark out one for leadership.

408

*Nehru Re-affirms Purna Swaraj as Congress Goal (Extract)**The Bombay Chronicle, 10 August 1937*

After the acceptance of office many began to doubt whether the Congress fight for achieving Indian freedom was over or was to continue. When some of the Congressmen themselves began to feel like that, it is not at all surprising if the others also felt so. Yet, the fundamental policy of the Congress remains the same. Independence cannot be achieved through the councils. We can win it only by a greater struggle than what we had waged and we must prepare for it.

Under the Provincial autonomy scheme nothing big can be achieved. The big questions like poverty, unemployment, etc., cannot be solved till Indians are completely free. The Congress ministers now have to face difficulties at every turn. Offices were accepted by Congressmen, not because they thought that Swaraj could be won through ministries but because they believed that the strength of the masses could be increased and the Congress organisation could be strengthened. The biggest problem in India today is the kisan problem and the ministers will try to lessen the burden of the kisans as far as they can. Both those who were for acceptance of office and those who were against had the same objective in view, namely, strengthening the Congress and preparing for the fight for complete independence.

We are fighting to establish democracy and the Congress is a democratic organisation. Every Congressman has a right to express his view. I do not, for a minute, suggest that the people should give up making their just demands but I want to warn them against the pitfalls of bringing undue pressure and making uncalled-for attack on the Congress ministers. The responsibility of the Congress ministers is the responsibility of every Congressman. If the ministers spend sleepless hours trying to solve difficult problems, I myself have spent sleepless hours to solve the self-same problems. Congressmen should place the demands of the workers and peasants before the people and popularise them. The ministers are after all the servants of the people will have to come out of their offices if the people so desire. The attitude of the people towards the Congress ministers should be one of sympathetic watchfulness and their actions should help the Congress ministries and not force them to take a certain course of action.

The Congress has demonstrated to the world what it can do with organisation and discipline. It has been proved beyond doubt that the only organisation in the whole of India which can put up a fight is the Indian National Congress.

The demarcation between the Congress and the non-Congress provinces in the country is evident and the difference would be more evident if the people help and cooperate with the Congress ministries. The Bengal ministry's attitude regarding the Andaman prisoners is curious. The present ministry has stated, like its predecessor, that they will not consider the question of the Andaman prisoners until they give up hunger strike. It only shows the weakness of that ministry. The question of the Andaman prisoners is a question which has been agitating the whole country for a long time. When the hunger strike was started, it is stated, the officers there passed insulting remarks against the prisoners. The question of the Andaman prisoners is not a question affecting the province of Bengal only but the whole country. It has therefore been decided to observe the Andaman Day on August 14 and I hope that everyone would join in celebrating that day.

409

*Viceroy to Secretary of State on Bombay Governor's Discussion
With Kher and Munshi*

Brabourne Papers

10 August 1937

Please see my telegram No. 248, dated 9th August¹ about communists.

2. Nehru telephoned to Kher from Bombay yesterday and I gather was somewhat offensive to Kher because of continued restrictions on communist leaders here. He asked Kher to go and see him in Bombay but Kher has refused and is sending Munshi.

3. Kher understands that this whole question will come up for discussion at Wardha on 14th August. He is being very reasonable in private conversations to me on this point and he has promised to put up a strong fight at Wardha for being allowed to maintain the restrictions on the most dangerous communists. He anticipates that orders will be issued on this point by Working Committee to all Congress Ministries on an All-India basis.

4. My Ministry are not contemplating any statement on Andaman prisoners at present, but here again Kher anticipates instructions after the Wardha Conference.

410

*Viceroy to Bombay Governor about Bengal Governor's Disallowing
Motion on Constituent Assembly*

Brabourne Papers

10 August 1937

Motion in the following terms has been moved and disallowed in Bengal by the Governor under a special provision in the Rules of Business which does not appear to exist in other Provinces and which provides for disallowing matters which are not primarily the concern of the Provincial Govt. In disallowing, Anderson acted on the advice of his Ministers:

"This Assembly is of opinion that His Excellency the Governor of Bengal should communicate to His Excellency the Governor-General of India the opinion of this House requesting the latter to recommend to His Majesty the King-Emperor that the Government of India Act, 1935, be replaced by a democratic constitution to be framed and determined by a Constituent Assembly consisting of representatives of Indian political opinion to be summoned at an early date."

Similar motion is being tabled in certain other Provinces. I have advised the Governor of Madras, who enquired as to the attitude he should adopt towards it, that I agree with him in attaching no undue importance to resolutions of this character; that they are, however, apt to be misunderstood at Home; and that I would therefore be disposed, on the whole, to think that it would be better to avoid the debating of resolution in generally similar terms which his Ministers proposed to consider at a forthcoming Cabinet; but that, if this was impossible, no great harm would, in my view, result from it being debated.

411

*Viceroy to Bombay Governor Regarding Repatriation of Andaman Prisoners on Hunger Strike**Brabourne Papers*

11 August 1937

Following is the text of communique.

Begins. "In a press communique published on July the 31st, the Govt. of India announced the news that a large number of terrorist prisoners in the Cellular Jail at Port Blair had gone on hunger strike to enforce certain demands. The strike continues, although the Chief Commissioner personally communicated to the leading strikers on the 7th instant the message sent by the Premier of Bengal urging the prisoners to discontinue the strike.

"Any orders for repatriation would have to be issued by the Govt. of India as being the Govt. administering the Andaman Islands. The possibility of loss of life occurring through the strike has caused the Govt. of India deep concern. It is, however, clear that no Govt. could, consistent with its responsibilities for a large convict population, give way to a demand made in such circumstances. Jail discipline throughout India would be imperiled if it were demonstrated that a body of prisoners, by resorting to a concerted hunger strike could dictate the place of their incarceration and the conditions under which they are to be detained.

"For these reasons the Govt. of India desires to make it plain that, so long as the hunger strike continues they are unable to give any consideration to the demands put forward by the prisoners or by other persons on their behalf." Ends.

412

*Nehru on Congress Stand on Federation¹**The Hindustan Times, 12 August 1937*

I can say on behalf of the Congress that there cannot be any negotiation with the Viceroy or the British Government for the inauguration of the federation. Mahatma Gandhi did not discuss the

¹ Address to Congressmen in Bombay on 11 August 1937

question with the Viceroy and will never discuss it. Anybody, even if he be a Congress minister, will be a traitor to the country if he, in any way, facilitates the inauguration of the federation.

The Congress ministers and Congressmen in general want to break the front of the federation, the back of the federation and the left and right of the federation, and throw it at the face of those who framed it; because the federation means handing over of the destiny of India to British capitalists and vested interests.

The question of the election of the leader of the Congress Party in the Bombay Assembly had been decided at the Congress Working Committee meeting at Delhi. When called upon, Mr. K.F. Nariman did not place before the Working Committee any proof that Sardar Vallabhbhai Patel interfered in the election. So the Working Committee's decision should be taken as final. As a matter of fact, I had written to Mr. Nariman inquiring whether he wanted some member of the Working Committee to inquire into the affair, but Mr. Nariman did not reply.

A strong volunteer organisation for the mass contact programme is very necessary. Though Congressmen have entered the legislatures, the real field of struggle is outside.

413

Linlithgow to Gowan on CP Ministers' Approach to Problems of Social Contact and Services (Extract)

Linlithgow Papers

VICEREGAL LODGE, SIMLA

12 August 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR HYDE GOWAN,

Many thanks for your most interesting letter of 6th August,¹ which raises a number of points on which I was very glad to know how matters are going in the Central Provinces.

2. In the first place I am watching with close interest such indications as come my way of the attitude of local Congressmen to central control, and I do not think I am deceiving myself in seeing signs of a very definite reaction against it—a reaction likely to become more intense in character

¹ Not printed

if relations between Congress Ministers and the Governors continue to be as friendly as, broadly speaking, they are at present, and as Congress Ministries realise the essential freedom of action which Governors are concerned to leave them within their field. I would be much interested in this connection to know how the matter of social contacts stands in the Central Provinces. You will have seen from my circular letter covering the report of my talk with Gandhi that the Mahatma was inclined to be somewhat intransigent on this point. On the other hand, Brabourne tells me that Kher, his Premier, has now indicated that he would much like, if headquarters will allow, to write his name in the Governor's book and to be present at official functions; in Bihar, as I think I mentioned in an earlier letter, I had a perfectly friendly and even cordial welcome from the Congress Premier and one of his colleagues, and Hallett has since written to me to say that Mahmud, his Muslim Minister, has written his name in the book. I am not sure what has happened in Madras, but relations between Rajagopalachari and Erskine are clearly exceedingly cordial, and Congress administration in other Provinces is proceeding entirely on the right lines. I would much like to know of any indications there may be in the Central Provinces of any move towards breaking down the social barrier.

3. I have had from other Provinces, and particularly from Bihar, amusing accounts of their opening meetings.

4. I am greatly relieved by what you tell me about the Maharashtra security. Clearly the objections to the refund of a deposited security are very substantially less great than where the security has been forfeited.

5. I accept your view, as you know, on this matter of the so-called "political prisoners" (let me say that I am doing what I can to get across in all Provinces that many of these political prisoners, and in particular those confined in the Andamans, so far from being political prisoners in the ordinary sense in which one would use the term, are criminals who have been convicted by the Courts of violent crime, and I have taken steps to ensure that the Press at home shall have an analysis in particular of the composition of the prisoners in the Andamans and of the offences for which they have been confined there).

6. I shall be interested to hear of the developments in the Garewal case. If there is any question of a formal Committee of Enquiry such as you refer to in paragraph 11, I shall welcome a reference from you, having regard to your special responsibility for the Services, before you give your assent to it.

7. I am relieved to hear that there is no foundation for the reports referred to in paragraph 12 of your letter, and nothing could be better in the light of what you tell me than the attitude of your Ministry towards the Services.

8. This question of the "Bande Mataram" and the Congress flag is not wholly simple. Opinions so very different, both in character and in emphasis, have been put to me on the first point that I would prefer for the moment to reserve my comment and probably to deal with it later in a circular letter to Governors. I understand that the song is in Bengali, and that very few, outside that Province, of those who sing it have any acquaintance with that language. I think there is great force myself in the considerations you adduce, and apart from that my general instinct is, in dealing with situations such as those which now confront us, to give away the bad points in advance and dig ourselves in on the really good ground. There is always the risk of allowing something of relatively subordinate importance to develop into a major issue, the ultimate resolution of which may present really serious difficulty. As regards the flag, my feeling is that the line to be taken on the point you raise is a matter of discretion for each individual officer, to be judged in terms of good manners and other people's feelings.

9. I am watching the general situation in the Congress Provinces closely from day to day, and I confess that I see no undue justification for pessimism. There have been a number of awkward corners, which we have succeeded in turning with greater or less success, but broadly speaking it is fair to say that Ministries appear, in all six provinces, to be settling in well... Congress attitude generally towards landholders, while definitely critical, and frequently with reason (I read with interest your remarks about the Central Provinces *malguzars*), has not so far, in any account that I have seen, gone beyond permissible bounds; and while the calibre of the Junior Ministers would seem to fall below what might be desired, the working of the teams has been a great deal better than I had previously been inclined to expect. To my mind the essential thing is to play for time, and to let Congress settle into the business of administration and realise how fully and how disinterestedly the help of the Services and of the Governor is at their disposal. Every month that a breakdown or any serious difficulty can be postponed is, in my view; a real and substantial contribution; and I am encouraged to think, foolish as it would be to venture on any prophecy, that the omens should for the moment be so propitious as they are. Again, in the light of the reports I receive I am confirmed in the view, which I think I expressed earlier, that it is very unlikely that Congress will be disposed to break over anything which is not of fundamental importance if they are satisfied that we have made up our minds and do not propose to compromise. A good example of this is the vexed question of presiding over Cabinets, on which Haig in particular has had a great deal of trouble with Pant who was inclined to take a very stiff view, but who on finding that Haig

with the full support of the Secretary of State and myself, was equally definite on the other side and had in fact made up his mind, appears now to have abandoned the point. Brabourne has been having a similar experience, and it has also presented itself to Hallet.

Yours sincerely,
LINLITHGOW

414

Telegram from Viceroy to Secretary of State Regarding Communist Internees

L/P&J/7/1306

SIMLA,
12 August, 1937

882-G. Following telegrams from (? Brabourne) are repeated for your information (*Begins*). 248 of August 9th (*Begins*) I had a very long conference with Kher and Munshi yesterday. Chief topics were Gujarat land (about which I will write fully today) and communists who are either externed or under restriction in the Presidency. They are being pressed very hard by Nehru and others to cancel all these orders but they personally are anxious to resist this pressure as far as possible. They feel that if they cancel a few of the least important ones they will be in a better position to resist cancellation of them all. This may be so but to me it would appear as merely the thin end of the wedge. Nehru is coming to Bombay today and my ministers are clearly frightened of him. I am, as you suggested, playing for time and I have arranged with Kher and Munshi that they should fully examine each individual case and then let me have their proposals which I in turn will go into in detail. They assured me that they realised that nothing can be done in a hurry. It might be possible to find a few individuals whose restrictions could if necessary be relaxed without danger.

415

*Congress Socialist Party's Resolution on Struggle for a Constituent Assembly**The Congress Socialist, 14 August 1937¹*

The following resolution on the Acceptance of Ministerial Offices by the Congress was passed by the National Executive at its recent meeting at Patna:—

With the formation of Congress Cabinets in certain provinces, the Congress and the country face a new situation to which they have to adjust their attitude. As is well known, the Congress Socialist Party has for the past two years opposed the idea of accepting ministerial offices and responsibility under this constitution which has been forced on India against its will. It is in pursuance of that policy that the Party's members in the Congress Working Committee opposed the decision that has been taken by it, but the majority of the Working Committee felt otherwise. In conformity with the Party's strength of feeling on this question certain members of the Party have declined the invitation to join the ministries. . . .

It is the specific duty of the Congress Socialist Party to combat the growth of such a mentality and to focus public attention on the real issues. The party, the Provincial and Local Congress Committees be increasingly active in popularising the programme of the Congress but they should also bring pressure to bear on the Cabinets to implement the Election Manifesto of the Congress by mobilizing public opinion behind it. Supervision over the local police and other machinery of the Government as also those of struggle against the various civic and economic disabilities from which the masses suffer.

The Committee stresses that now as before the immediate objective of the freedom movement is the creation of a situation out of which a Constituent Assembly can arise which would frame a Constitution for the Free Indian State. For the achievement of this objective our struggle for the destruction of the present constitution continues with the acceptance of offices, this struggle no doubt goes on a new plane and its gathering strength must in no manner be hindered but continuously be developed.

¹ *The Congress Socialist*, Vol. II, No. 32, 14 August 1937.

416

*Proceedings of Working Committee Meeting
Regarding Working of Congress Ministries*

AICC Papers, F. No. 42/1936

WARDHA, 14-17 August 1937

A meeting of the Working Committee was held at Wardha, 14-17 August. The proceedings commenced on the 14th at 9.30 A.M. Thereafter the Committee sat from 8 A.M. to 11.30 A.M. and again from 1.30 to 7 P.M. every day except on the 15th when there was a night sitting from 8.30 to 10.30 P.M.

Following members attended: Jawaharlal Nehru, Maulana Abul Kalam Azad, Sarojini Naidu, Vallabhbhai Patel, Rajendra Prasad, Jamnalal Bajaj, Bhulabhai Desai, Khan Abdul Ghaffar Khan, Narendra Dev, Shankarrao Deo, Achyut Patwardhan, and J.B. Kripalani.

Shri M.K. Gandhi and Shri Jayaprakash Narayan were present by special invitation.

MINUTES:

The minutes of the last meeting held at Wardha, July 5-8 already circulated were confirmed.

The President, Jawaharlal Nehru outlined the procedure to be adopted by the Committee and indicated the subjects to be discussed.

PRIME MINISTERS' EXPERIENCES:

The Prime Ministers who had been invited to be present at Wardha were then called in. Shri Govind Ballabh Pant had wired his inability to attend owing to pressure of work, Shri Rajagopalachari was unable to attend till August 17th. The Prime Ministers present were: Shri B.G. Kher from Bombay, Shri Srikrishna Sinha from Bihar, Shri N.B. Khare from C.P. and Shri Vishwanath Das from Orissa.

The Prime Ministers related their experience in office since the time they had accepted the invitation to form ministries. Their uniform experience was that the Government was anxious to avoid conflict and the higher services were cooperating. The permanent Government Secretaries whenever they had any objection to a policy stated their case. However, when the Ministers had decided the matter, the services so far has carried out the decisions loyally, placed all the material

information before the Ministers and were in every way helpful.

The Governors however made it a point to preside at every Cabinet meeting. When the Premiers protested, the Governors said that such were the instructions from their High Command. Gandhiji's view was that the Premiers must record their protest whenever a Governor presided over Cabinet meeting.

POLITICAL PRISONERS AND COMMUNIST ORGANIZATION

The release of political prisoners everywhere presented certain difficulties. No objection was raised to the release of non-violent prisoners. In Bombay there was a hitch about the lifting of the ban imposed upon five organisations connected with the Communist Party of India. Restrictions on seven labour leaders with communist leanings had not been removed. Shri B.G. Kher had talked to the Chief Secretary who thought the restrictions upon the labour leaders could not be removed with safety as the experience of the Government was that whenever these leaders went they created and fomented labour trouble. The banned organisations believed in the use of violence. The Bombay Premier had not yet approached the Governor. He had however sent for the papers. From their papers and from personal knowledge he felt that there was some point in the Chief Secretary's contention. Bombay presented a fruitful field for labour troubles of a political nature. He also was not sure what the policy of the Congress would be towards individuals and organisations advocating violence. He therefore asked for guidance from the Working Committee.

Jawaharlalji pointed out that the Congress was pledged to guarantee the fullest civil liberty. It also stood for freedom of association. Congress Government could interfere with an individual's liberty and his right to associate only if some criminal act was proved it a court of law. He did not think that violence was a necessary part of communistic ideology or action. A communist revolution without the use of violence was quite conceivable. He also knew of no strike that was not economic in its nature. Also he saw no difference between the communist on whom various restrictions were imposed and the detenus for whose release the Congress had been agitating for several years. Both were detained and restrained without trial on suspicion and generally for their views.

There was then a general discussion in the course of which Gandhiji's opinion was invited.

Gandhiji said, he was at one with the President when he said that there was no difference between the communists labouring under restrictions and the detenus. His view was that there should be the fullest general amnesty for all political prisoners including those convicted for violent

crimes. He would however put one condition. In every case that release was contemplated the authorities should talk to persons concerned and come to a clear understanding that there will be no preaching or practice of violence as long as Congress ministries were in charge of affairs. If those concerned refused to talk and manifested no desire to come to such an understanding, no action need be taken immediately.

As a believer in non-violence he did not put his trust in coercion. He considered violent criminals political or non-political as temporarily insane. He would provide hospitals for the cure of this temporary insanity. He would want the jails to be such hospitals. He would organise the police force from that point of view. But as he was unable to bring about these changes he could only release violent prisoners after he had a free and frank talk with them and they were prepared to eschew methods of violence. He had faith in conversion rather than in coercion. He realised that to deprive a person of his liberty was a species of coercion. But if he could not reach the ideal, in an imperfect world he must at least ensure that as little violence as possible was used. Putting restrictions was violence but he knew that if restraints were not put there will be extreme suppression. No Government today could tolerate continued violence without itself resorting to violent repression and terrorism. His practical wisdom therefore advised him to tolerate the comparatively small coercion involved in restrictions rather than allow greater violence. It was a choice of evils and he would choose the lesser evil.

Moreover the ministers were not yet quite free agents. They would not be correct if they altogether ignored the warnings of those who were their immediate predecessors in office specially in such matters as likely were supposed to lead to the disturbance of public. He would therefore seek to assure the Governor upon the score of public tranquillity. This the Congress ministers could do only in the manner he had indicated. Gandhiji also thought that there should be no break with the Governors on this point.

Jawaharlalji said he did not quite follow the distinction that was sought to be made between violence and non-violence. To him non-violence meant only one thing and it was that humanity's approach to every problem must be civilized. Further he could not understand how an unconditional release could be more non-violent than conditional release. Also it may be quite reasonable for a Government to put certain restriction in periods of political unrest, but the restrictions such as were in existence in Bombay and Bengal in peaceful times were dangerous. He thought that we appeared to be more concerned about the effect that our actions would have upon British Government than upon our own people. An unconditional release would create a

non-violent atmosphere in the country. He however agreed with Gandhiji and others that there was to be no break with the Governors on this point.

Shri Kher wanted the clear instructions of the Committee as there was some agitation in the press and notices of resolutions and questions had been given for the Assembly. It was the general opinion of the Committee that while there should be no break, every effort should be made to lift the ban and remove the restrictions.

The following draft was prepared to guide the Bombay Premier in laying down the policy of his Government in this behalf. This policy was to be announced by him on a suitable occasion:

"The Government have seen the resolutions in the press passed at public meetings asking for the release forthwith of prisoners whose movement is restricted under the Emergency Powers Ordinance. Letters and resolutions have also been received by the Premier supporting the movement for the immediate removal of the aforesaid restraint. The Government welcome these expressions of public opinion for they give them an index of the mind of the people on whose good will and confidence alone they depend for their existence and for the proper carrying on of the affairs of the Presidency. The Government desire to state that they wish to remove the restraints and the ban on certain organisations at the earliest opportunity. They are fully aware of the pledges given in the Congress Election Manifesto and they will endeavour to the best of their ability to carry out both the letter and the spirit of those pledges.... Government recognises that Congress policy is not to interfere with the functioning of organisations and the movement of persons on mere suspicion without a proper judicial and open trial on charges on which they are suspected.... Indeed it is the desire of the Government to repeal the Emergency Powers Ordinance without delay, for they believe that a Government responsible to the people cannot afford to rely upon these emergency powers. It will ill behove the Congressmen who are under the Congress Constitution pledged to non-violence in the struggle for freedom to resolve to drastic methods of emergency legislation. A Government by Congressmen has got to show by its action that it preserves the peace of land under its administration by moral authority and not by the aid of the police not to speak of the military and in this endeavour to prove the moral authority of the Government the Ministers rely with confidence upon the good will and active support of all concerned."

The Committee then discussed the question of prisoners convicted of attempted murder, dacoity and other violent crimes. It was felt that though the election manifesto mentioned all political prisoners, the case of these stood on a different footing. They have been tried and

convicted. The offence of some however was of mere association and in many cases the judgement was more of a political than of judicial nature. Many of them had suffered incarceration for long periods extending in some cases to more than ten years. It was the opinion of the Committee that individual cases should be looked into individually and release effected in as many cases as possible.

HUNGER STRIKE IN THE ANDAMANS

The situation arising out of the hunger strike of politicals in the Andamans was then discussed. Shri Sibnath Bannerji and Shri Debendra Sen who had come from Bengal specially for this purpose were invited to place before the Committee their views and the information they had in this connection. Syt. Tulsi Goswami, the Deputy Leader of the Congress Assembly Party in Bengal who had been deputed by Shri Sarat Chandra Bose to place before the Committee the parliamentary position in Bengal was also present during this discussion. Friends from Bengal informed the Committee about the excitement that prevailed in their province on the question of the hunger strike and the rigid and unsympathetic attitude adopted by the Bengal Government. 75% of the prisoners on hunger strike were from Bengal and there was painful anxiety about their lives. Shris Sibnath Bannerji and Debendra Sen informed the Committee that in Bengal labour and other radical organisations had decided upon seven days' general strike. They asked the Committee to announce an All India Day as a protest against the continued detention of the politicals in the Andamans when a general Hartal should be organised throughout the country. They wanted the Congress Government in other provinces to ask for repatriation of their prisoners. They also informed the committee that they had definite information that the Andamans prisoners no more believed in terrorism and had realized their error in indulging in it for political purposes. Their further detention therefore was unjustified and vindictive.

The Committee informed the two labour leaders that so far as U.P. and Bihar were concerned the Premiers of these provinces had already written to the Government of India for the repatriation of their respective prisoners. They were waiting for a reply. The seven days strike for Bengal was chiefly the concern of the province and the Committee could give no opinion upon it. As for an All-India Hartal the President pointed out that if they had an Hartal now they may be called upon to have another Hartal if unfortunately any untoward accident happened in the Andamans. It was therefore better to have a day later than at present. The Committee passed the following resolution:

"The Working Committee has learnt with the deepest concern of the hunger-strike of hundreds of political prisoners in the Andaman Islands.

The Committee has long been of opinion that the use of the Islands as a penal settlement, more especially for political prisoners, is barbarous. Official enquiries and reports have already condemned such use and non-official opinion has unanimously demanded that no prisoners be sent there. Repeated hunger-strikes by the political prisoners have demonstrated their desperation at the continuance of conditions which they cannot bear, and the present hunger-strike has brought matters to a head and grave consequences are feared. Public opinion all over India is agitated and strongly in favour of the release of the political prisoners there, as they have already undergone many years of imprisonment under conditions which are far worse than those prevailing in Indian prisons.

The Committee's attention has been drawn to the public statement issued by some ex-prisoners, who were till recently imprisoned in the Andaman Islands, and have been now released, in which they have stated on their own behalf and on behalf of the other political prisoners there, their dissociation from and disapproval of the policy of terrorism. They have frankly stated that they have come to realise that such a policy is wrong and injurious to the national cause and they propose to have nothing to do with it. This statement has been confirmed from other sources also.

In view of all these circumstances the Committee is emphatically of opinion that the political prisoners in the Andamans should be repatriated and the penal settlement in the islands closed. Any delay in taking adequate action is likely to lead to alarming consequences.

The Committee appeals to the prisoners in the Andamans to give up their hunger strike."

In pursuance of the last paragraph of the resolution the President sent a telegram to the prisoners on hunger strike, through the Home Secretary to the Government of India, appealing to them, on behalf of the Committee, to give up their hunger-strike.

The following reply was received:

"Government of India thank you for your telegram of yesterday's date the text of which is being communicated to Andamans prisoners."

SALARIES AND ALLOWANCES:

The following resolution was passed both for the majority and minority provinces.

"The Working Committee is of opinion that, in accordance with Congress Policy, salaries and allowances of ministers and others should be reduced to the lowest possible limit, consistently with efficiency. The Committee realise however, that the immediate and full application of the principle is not easy, and it may not be possible to introduce the

desired changes at this stage. In view of varying circumstances in the different provinces, the Committee does not wish to lay down hard and fast rules and wishes to leave a large measure of discretion in this matter to the Congress Ministries. The Committee trusts that the Ministries will keep in mind the basic policy of the Congress in the matter of salaries and allowances and will always endeavour to conform to it to the greatest extent possible.

The Committee however, lays down the following general rules for the guidance of Congress Ministries.

1. Congress Minister's salaries should in no event exceed Rs. 500 per month. House allowance Rs. 100 a month and motor car allowance Rs. 150 a month. Thus the total allowances for house and requiring a house allowance because he has a house of his own, this allowance should not be drawn. Ministers who do not wish to draw any allowances need not do so.

The State may provide cars for ministers, but no such special provision need be made unless it is considered necessary.

2. The salaries, and allowances if necessary, of parliamentary secretaries are left to the discretion of Congress Ministries.

3. Members: The present scale of payment of daily allowances and travelling expenses is heavy and has to be completely overhauled. It may be difficult to bring about this complete overhaul immediately but in any event travelling expenses should be charged at the rate of double third class fare.

If it is desired to keep in present scale of daily allowance for the days of attendance at an Assembly session, no change need be made for the present. But in no event should this exceed Rs. 10 a day, there being no additional payment by way of salary.

If, on the other hand, it is desired to introduce a system of paying salaries to members, this may be done, provided that such salary shall not exceed Rs. 75 a month. In addition to such salary an allowance not exceeding Rs. 2-8-0 a day may be given to members for the days of attendance at an Assembly session or committee meeting.

Even if a system of paying salaries to the members is introduced such members as do not require these salaries, should not draw them.

4. In the provinces where these standards cannot be applied as non-Congress ministries have already fixed much higher salaries and allowances, Congress members of those legislatures should only accept payment for themselves in accordance with the above direction. They may however draw the full sums allowed by the rules and hand over the balance to the All India Congress Committee through the Party Leader. This amount should be kept in a special fund earmarked for the province concerned."

417

Gandhi's Telegram to Rabindranath Tagore on Andaman Prisoners¹

Pyarelal Papers

(On or after 16 August 1937)

GURUDEV

SANTINIKETAN

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LOVE.

GANDHI

¹ This was in reply to Tagore's telegram dated August 16, 1937, which read: "Have wired Andaman prisoners give up hunger strike. Their lives must be saved. Hope you and Jawaharlal will also exert your influence." Nehru sent a telegram through Home Member appealing to Andaman prisoners to give up hunger-strike.

418

Zetland to Linlithgow on Treatment of Hunger Strikers (Extract)

Zetland Papers

16 August 1937

This campaign for release of political prisoners, accompanied by as it is by somewhat widespread hunger-strikes, is very troublesome. But since it has inevitably to be dealt with by telegram, there is not much that I can usefully add here. It would be fatal to give way to the hunger-strikers and I had no hesitation in telegraphing my full support of your proposed action in making it clear that Government could listen to no representations while such strikes were in progress and of Anderson's requirements in the way of a Governor's Act or Ordinance for the purpose of dealing with any mass action which Subhas Bose might succeed in stirring up.

419

*Sapru to Lothian on Federation**Sapru Papers*

19, ALBERT ROAD, ALLAHABAD

16 August 1937

MY DEAR LORD LOTHIAN,

I am very much obliged to you for your letter of the 28th of July. I am glad to hear that you think it will be possible for you to come out to India for about a month and that you intend to leave London about the middle of November. I have shown your letter to my friend, the Vice-Chancellor. He was delighted to read your letter. The University week here will begin on the 13th of December. Your convocation address can be fixed either for the 13th or 14th of December. The Vice-Chancellor of the university would be grateful to you if you could reach Allahabad on or before the 12th of December. I think the Vice-Chancellor will also write to you today or by the next Air Mail. Meanwhile Pandit Madan Mohan Malaviya, the Vice-Chancellor of the Banares University has also written to me about you. He will feel very grateful if you can see your way to visiting Benares for a day and delivering an address there at the University also. You can reach Benares in my motorcar in less than two hours and a half. I dare say Pandit Madan Mohan Malaviya has already written to you about the matter.

Yes I am much relieved by the decision of the Congress to accept office. In Madras and Bombay I think things are going pretty smoothly. In these provinces there are two good men in the Cabinet. The rest of them are by no means persons of great ability. The trouble in these provinces is that the Cabinet is being controlled by the outside Congress caucus and is also being attacked somewhat severely by the Socialists or Communists. The Provincial Services are much excited over the threatened cuts in their salaries and their allowances, so also are the *Zamindars* and landlords because of the agrarian policy of the Cabinet. One fear I have is that the policy of the Congress may lead to the lowering of standard of administration. I am not a believer in cheap agency nor do I believe that men can afford to work for long under a spell of enthusiasm, which inclines them at the beginning of their new career to accept small salaries.

I think it was a good move on the part of the Viceroy to have invited the Mahatma. The Congress having accepted office there was no earthly

reason why the Viceroy and the Mahatma should not get into touch with each other. Meanwhile Jawahar Lal Nehru has delivered a speech at Bombay. In one part of it he has said that he will 'burn' or 'bury' the Federation. In another part he had defended the policy of the Congress in using force to deal with the turbulent elements among the strikers at Cawnpore. The socialists and communists are denouncing him for this.

As regards the Federation I am afraid that the majority of the Congressmen are inclined to adopt a dual policy. They will first try to prevent its fruition. As an alternative they will try to come with terms with certain princes and other parties so as to acquire a dominant place in the Federal Legislature. If, however, the Mahatma can be persuaded to take a reasonable view about the Federation, any opposition of Jawahar Lal and the rest of the Congress will probably disappear. That is how I visualise the situation at present.

I hope that the war between China and Japan may not assume more serious proportions and affect international peace.

I shall be grateful for a reply informing me about the date of your sailing and your plans in India. It is my conviction that your visit will be fruitful of very happy results.

With kindest regards,

Yours sincerely,
T.B. SAPRU

420

Hallett to Linlithgow on Harmonious Relations with Ministers

Linlithgow Papers

GOVERNMENT HOUSE, PATNA

17 August 1937

MY DEAR LORD LINLITHGOW

I have not yet received the official report on the political situation, but will forward that later with such comments as I consider necessary. Meanwhile the present moment seems suitable for a report, for possibly the position may alter as a result of my Premier's conversations at Wardha with the Working Committee, I also own Your Excellency a reply to your letter of 10th August. May I add how very grateful I am for your very helpful comments on my reports? You must have been deluged with correspondence lately, and as you say in paragraph 7, we may hope that the volume will diminish, but at this stage I agree fully

with you that it is essential to coordinate our activities and it is not possible to do so unless we know what is happening elsewhere. I may add that I have arranged for the interchange of fortnightly reports with Haig, Hyde Gowan and Hubback whose problems are more akin to my own.

2. Parliamentary Secretaries—I think I am working on the lines which you suggest and I enclose a copy of the orders issued under my instructions, which were designed (a) to secure Ministerial responsibility to the Governor; (b) to prevent elimination of permanent Secretaries. I keep in close touch with my Secretaries and see them regularly and I understand that generally the present system is working satisfactorily. One Secretary, the Chief Engineer in the P. W. D., rather took exception to some notes by the Parliamentary Secretary which appeared to have overlooked some of the points which he had made, but I did not myself see much force in his objection, for the Parliamentary Secretary's note was not unreasonable and in one case at least the Minister had noted that the case should be discussed in Council and of course if this occurs, it will give me the opportunity of drawing their attention to any points raised by the chief Engineer which they may have overlooked.

3. Relations with Ministers—At this stage I may supplement what I have already said about my relations with my Ministers: they continue to be harmonious and friendly and they show little or no sign of trying to keep me too much in the background. I have had only two Council meetings, one about political prisoners which I have already described to you, and the other about the Budget. The latter they dealt with on ordinary lines; we have a small surplus, though there is no money available for any important recurring expenditure. They are adopting two measures which my interim Government had also approved, the first for a tax on cinemas which will not bring in much, the second increasing non-judicial stamps on deeds, & c., to the rates introduced in Bengal some years ago. They are also going to move a resolution advocating a tax on agricultural income. All these taxation measures are in my view suitable. They made no attempt to alter the ordinary provision under the various heads, except in the one case of the Boy Scouts grant about which I have written to you, and dealt with the allotment of funds to new schemes, the majority of which were building projects. They cut out some schemes for new residences for officers and also some police buildings; I do not mind in the least about the former for very little hardship is caused to officers; I regret the police buildings, but it was satisfactory that they retained at least some of the police schemes. They agreed to give me a discretionary grant of Rs. 20,000; I shall have been quite content with Rs. 10,000, but they took also Rs. 20,000 apiece and I suppose did not want me to be in an inferior

position: They wished to create a new head "Prohibition", but having no scheme ready, would only make actual provision by means of a supplementary grant later in the year. They, and in particular the Finance Minister, seem to me half-hearted about prohibition and unless they are pressed from above, I doubt if they will do anything drastic. The fellow caste men of my Excise Minister will not like it, if they cannot sell today and Mr. Gandhi suggestion that they should manufacture in into molasses is hardly practicable at a time when we have a pint of sugar.

4. I have not yet re-established a regular system of weekly interviews. I fully recognise how important this is, but when I tentatively mentioned it after they took office, they rather hesitated and I don't want to force the issue. In spite of this I do not think if things go on as at present, I shall have much difficulty in keeping in touch with them. I see the important files and it is always possible for me to ask a Minister to discuss any particular question and such an interview gives one a chance of a general talk. I can make the position clearer if I describe my relations with each of the four. In some ways I think I am lucky in having a small Cabinet.

5. Mr. Srikrishna Sinha has of course the heaviest, and from my point of view the most important portfolio; as Home Member he is in charge of law and order and as Revenue Member he deals with the various important agrarian questions which arise. He is not of any great ability and hence rather tends at times, e.g., when we discussed political prisoners, to convey the impression that he is merely talking to a brief. I doubt whether he would have the courage to go against the higher command but might do so if he got Rajendra Prasad's support. He has a saving sense of humour. He has shown signs recently of being anxious for my advice and help, he is of course up against the difficulty of placating the kisans without offending too deeply the landlords. I may mention at this point that I gather from police and other reports that when he and the Finance Member visited Gaya, they had none too easy a time as some of the zamindars contended that the kisan demands were unreasonable, and protested against the Premier's suggestion that if they did not settle their disputes amicably, he would do so by legislation. On the other hand, he was confronted with a statement by the kisan leader that if their demands were not met, they would offer satyagraha and court imprisonment. The situation in that district is thus still potentially dangerous and I am watching it closely. But I merely mention this incident for it has I think had the effect of making Mr. Srikrishna realise the difficulty of administration and in consequence to turn to me and others of the permanent staff for help and advice. In one or two cases he has rather taken the view that Government officers and the police take too little notice of the legitimate grievances of the raiyat. I was not

prepared to admit that this was correct, but I pointed out to him frankly that if it was true, it was largely due to the fact that Government officers had been fighting civil disobedience for the last five years and hence tended to regard any kind of agitation with suspicion. He took this comment in good part.

6. Mr. Anugrah Narayan Sinha, whom I knew when I was a District Officer, seem to me the ablest and also the most conservative of the four. He is a Rajput by caste and in my experience Rajputs usually have the courage of their convictions. It is good thing that a Minister with this mentality is in charge of Finance. He is also in charge of Irrigation and hence is primarily responsible for action in regard to floods, a most difficult practical problem. He contemplates holding a conference in Tirhut next month and entirely of his own motion asked me to open the conference, an invitation which I gladly accepted. He frequently submits files to me even though it is not necessary under the Rules of Business. Today he and the Public Health Minister accompanied me on a visit to some new sewage works which are being made in Patna. He got on very well with Mr. Prior, his Finance Secretary, who unfortunately has had to take short leave. All these minor incidents go to show that he is not averse from establishing contact.

7. Dr. Mahmud is a well-educated Muslim, having spent some time before the War in Germany; he is pleasant to talk to and I had an interesting interview with him a day or two ago which was mainly to discuss Boy Scouts—I have already told you about this—but which also developed into a general discussion. One point which he raised of his own accord was the question of the Congress flag; I told that I could not possibly agree to allow it to be hoisted on Government buildings used for a public purpose and to this he agreed, adding that he did not wish that there should be any insult to the Union Jack. He however wished to see that the Congress flag which he contended was universally accepted—a doubtful contention—should be treated with respect; to this I see no objection. He also told me generally about his work, his difficulties over the floods of students and others who come to him for interviews and his idea of working out a scheme for the economic development of the Province, in which he has taken the aid of certain economists. I have no doubt that he will keep me in touch with this enquiry and his proposals. As I have told you, he is the only Minister who called at Government House and in consequence I asked him to dinner. It was however represented to me by Mr. Sachchidananda Sinha, a close friend of his, that he would feel rather embarrassed if he came, so I of course did not press my invitation. As a compromise Mr. Sinha is inviting me to a dinner to meet him. Dr. Mahmud does not much like his low salary; he is hospitable by nature and would like to entertain people, but can hardly afford to do so on Rs. 500 a month.

8. Finally, there is my depressed class representative, who I admit I have not got to know. He is incharge only of Excise and Public Health, departments which ordinarily do not give a Governor much work; he is very shy and has not very good knowledge of English. It may be rather a thorn in the side of his colleague as he is pressing the claims of the landless labourers. I shall do my best to know him better, but it will be uphill work.

9. While recognising to the full the necessity of establishing friendly contact, even though social contact in the form of parties is not possible, I feel that no rigid system is possible and we must all do what we think best. When my Ministers are busy with the legislature, I am afraid contacts may not be very easy.

10 The appointment of the Advocate-General seems to have been well recieved in the local Press. Mr. Bajdeva Sahay is also an able man, possibly a little too plausible, but he impressed me favourably when I had an interview to offer him the post; I feel his advice will be useful and that he definitely represents the right wing. I may add that he has done very useful work on the University.

11. Mention of the University leads me to mention another minor incident and that is that Mr. Sinha the Vice-Chancellor has persuaded Babu Rajendra Prasad to become a nominated fellow and told me last night that he would accept my nomination.

12. All these points which I have mentioned are perhaps minor in themselves, but they go, I hope, to show that we are slowly establishing good relations with our Ministry, and, if we do not force the pace, I hope we may after no long delay achieve normal relations. It was therefore rather depressing to me to get your account of Mr. Gandhi's views on these points; while not wishing to underestimate his power, I feel that he may have to relax his adamant attitude, in view of opinions in the Ministeries themselves.

13. We have at last had heavy rain over all Bihar which has saved the agricultural situation and so far we have not had any very serious floods. We were in a much worse position ten days or so ago when the Ganges was high and when though we had little rain here, there was heavy rain in the districts south of Bihar. This timely rainfall is a great relief.

14. The landholders of the Province seem to use a slang expression 'to have the wind up' about the Congress Ministry. It is extraordinary how ignorant and short-sighted they are. Darbhanga came to see me the other day on his return from England, where his purchase of the Marie Antionette for £19,000 had given rise to a good deal of criticism over here. He asked me whether the landholders could be protected as a minority community; I, of course, quoted the Instrument and said, 'No'. He then asked my advice generally and in particular whether they

should join Congress. While pointing out the difficulty of giving advice, I complained the need for organisation, which ought to have been taken up years ago. I pointed out also that in democratic countries even a small minority could exercise a good deal of influence on the views of the majority; that if they joined Congress, they would presumably have to follow the Congress policy, even if prejudicial to their own interests. He seemed in a very defeatist attitude, but the speech which he made at the meeting of landholders was not at all bad. I feel however that he is an ineffective leader, but there is no one who could fill the role satisfactorily.

15. Professor Abdul Bari, a Muslim firebrand and also Deputy Speaker of the Assembly, has been making some bad anti-British speeches and advocating preparations for the next fight. I have not had a chance to talk to my Premier, but he had, I understand, agreed, at my Chief Secretary's suggestion, to speak to Bari. I will speak to the Premier as soon as I get a chance.

16. On the whole therefore I am getting more optimistic as time goes on; if only the Centre does not exert too much influence, we may do quite well.

17. Since drafting the above I have received your telegram of 16th August about "social contacts" and I hope that much of the information given above will prove relevant to the points raised by you.

Yours sincerely,

M.G. HALLETT

421

Viceroy to Governor of Bombay expressing his views on 'Bande Mataram'

Brabourne Papers

17 August 1937

PRIORITY

911-G.

I have been consulted by more than one Governor as to the manner in which Government servants should behave when "Bande Mataram" is sung or the Congress flag is hoisted on a formal occasion.

2. As regards "Bande Mataram" the song is, I understand, in Bengali and so unlikely to be understood save in three or four Provinces, while its words contain nothing which is in itself offensive. The essential basis

of objection to it has been its former associations with extremism, which may be regarded as having ceased to be of immediate material importance. The position is complicated by the fact that "Bande Mataram" has now been sung in Provincial Assemblies in two or three of the Congress Provinces and that, I understand from press reports, in at least two Provinces the whole Assembly, including the European group, etc., has stood while it was being sung. My own view is very strongly that we should be very ill-advised to allow the question of our attitude towards the singing of this song to develop into a major political issue and that were we to do so we should merely play into the hands of the Left Wing by creating trouble over a matter which is of no substantial intrinsic importance. Subject to your views and those of the Secretary of State, whom I will consult urgently as soon as I have received the replies of all Governors, I am therefore of opinion that, while no formal order need be issued on the subject, no objection need be raised to Government servants, whether in the Assembly or elsewhere, standing when "Bande Mataram" is sung on formal occasions if the remainder of those present stand. But I am disposed to see strong objection, subject to this, to any recognition of this song as a "National" song or anthem and in my opinion we should regard it merely as a patriotic song and justify our action in standing during its singing on grounds of general courtesy and consideration for the feelings of those present.

3. As regards the Congress Flag, it would clearly be quite improper for Government servants to salute it since it is merely a Party emblem and, as such, cannot be expected to be recognised. Here again, however, I see no objection, if the rest of the gathering at which they are present stands from respect to the Congress flag, to Government servants, etc. doing the same. The line to be taken must obviously largely be a matter of discretion to be judged in terms of the situation, of good manners, and of other people's feelings.

4. I would be grateful for earliest possible expression of your views. I feel myself strongly that, in dealing with the whole situation, the right course is to give way on bad or weak points and to refuse to make any concession whatever on good points and on those which we regard it as essential to hold to on grounds of principle.

422

*Linlithgow to Zetland on Andaman Prisoners (Extract)**Zetland Papers*

19 August 1937

12. The Andamans situation is causing me a great concern as you may imagine, but I have a feeling that things are now a little easier, though a great deal will depend of course on the continued resistance of prisoners. I send you with a copy of the draft Ordinance which Anderson is anxious to publish (he has accepted in deference to his Ministers the case, which I myself regard as a strong one, for an Ordinance rather than a Governor's Act) in its present form, together with a telegram which I sent to him a day or two ago. I am quite clear of course that we must see Anderson through this, and that we must be guided by his judgment as to reaction in Bengal. But I am equally clear myself that once the hunger-strike is called off, we shall find it impossible to continue to resist requests of other Provinces for the transfer of their Andamans Prisoners, though I recognise (as I think Anderson does himself) that the effect of our acceding to those requests will inevitably be to bring greater pressure to bear on Anderson's Ministry for the re-transfer of the Bengali prisoners. I am uneasy as to the position in regard to the appropriate prison accommodation of criminals of this class in Bengal, and I am not at all sure that the wisest thing that Anderson could do would not be to announce straightway that he was placing a contract for a Cellular Jail in Bengal itself to hold 300 prisoners. Of course, I know that one of the strong arguments for the Andamans is in fact that the prisoners while they are in the Andamans are isolated to a far greater degree than they could be in Bengal, and that Jail discipline may in those circumstances be easier to maintain. I fully accept also the extreme importance of this problem of Jail discipline. But the relative isolation of the Andamans does not appear to have prevented prisoners there from concerting in apparently somewhat elaborate details their plans for a simultaneous hunger-strike movement in the islands and on the land, and I have a feeling that it is an argument the force of which it is possible to exaggerate. As you will see from the letter.¹ I enclose, I have started to sound Anderson on this matter of Jail accommodation. I think that in due course we may have to press him rather further about it.

¹ Not printed

I would frankly very much prefer it if we can avoid resorting to this Ordinance because of the reactions elsewhere. But if, on the other hand, conditions in Bengal satisfy him that it is inevitable in the interests of public order that such an Ordinance should be issued, then there is this to be said for that it will have had the advantage of clearing the air before Brabourne takes over and of avoiding the unpleasant situation which would arise for Brabourne if his first Act on assuming office had to be passing of legislation of repressive character...

423

Anderson to Linlithgow on Student Agitation and Andaman Detenus (Extract)

Linlithgow Papers

GOVT. HOUSE, CALCUTTA

19 August 1937

MY DEAR GOVERNOR-GENERAL,

...On Monday the 16th, however, there were again signs of a stampede in certain quarters. On the 9th when the detenu debate was to take place in the Assembly, a large meeting of students had been organised in the Town Hall close by. It was allowed, and though some of the speeches were definitely seditious, those attending the meeting gave no trouble to the police and matter passed off quietly. This clearly disappointed the left wing extremists who are behind the students' demonstrations and on Saturday last, the 14th, an attempt was made to have a more sensational demonstration. One of the many parties of students, converging at this demonstration, got into trouble with the police by attempting to pass in a procession through the area round the Legislative Chambers in which processions are prohibited without previous permission. They had deliberately refrained from applying for previous permission and there is no doubt that that particular organisation wanted to provoke a clash and aggravate the situation. They resorted to the well-known device of putting women in front and trying to get through under cover of the Congress flag, any interference with which could be claimed as an insult. They eventually had to be moved away after care had been taken to put a protective cordon round the women, and when brickbats were thrown and attempts were made to get hold of soda water bottles as missiles, they were charged and broken up by sergeants and the mounted police.

An adjournment motion was announced for Monday, the 16th, and false statements accusing the police of wanton violence circulated and published in the press over the week and had alarmed the Chief Minister. The proceedings in Cabinet of the Monday morning are so illuminating that I enclose a copy under separate cover. In the debate that afternoon the Home Minister took a firm line and was so well supported that the adjournment motion was defeated by 133 to 72. It was reported by observers present that the debate was unique: for the first time in many years and, as some have said, in the whole history of the Legislature in Bengal, the Congress opposition was made thoroughly uncomfortable and finished in a subdued condition. Their leader Mr. Sarat Chandra Bose, had to submit to a trenchant rebuke from a Government back-bencher more severe than he has ever had in the Legislature, and the Chief Minister quoted with great effect the violent utterances of students at the Town Hall meeting of which specimens are appended.¹

Nobody, however, reading the "nationalist" press the next day would have realised that such, in fact, was the tenor of the debate. I shall refer later to the subject of the press, but the determined campaign of misrepresentation and suppression carried on by the "national" press in Bengal, all the important organs of which are in Hindu hands is a significant feature of the situation.

It is a commonplace to say that the Hindu middle and upper classes generally are exasperated at finding a Government in power which they cannot control and many of them would prefer to see the whole system wrecked rather than that such a state of affairs should continue. That, coupled with their strong hold on the indigenous press and the attempt to exploit the students once again, constitutes one of the real dangers to the situation; and the effect of violent talk and excited passions among the most impressionable section of the young men would, if it continued unchecked, involve great risk of a recrudescence of terrorism. Not merely police information, but information from entirely non-official sources, show that there has already been wild talk among young men of personal violence against the Chief Minister and Sir Nazimuddin, the Home Minister, and, it is needless to say, that if anything of the kind happened, the Province would be very fortunate to escape without serious communal bloodshed. Of course, all possible precautions are being taken and have been taken for sometime past to guard against the risk of Muslim or other Ministers being molested.

There are, happily, some more hopeful signs. Sarat Bose, the leader of the Congress in Bengal, as I have said, was subdued at the end of the debate on Monday and more conciliatory in speech than would

¹ Not printed.

otherwise have been expected. A further convention of students has been fixed for today organised by some left wing mischief makers; it was decided yesterday by the Provincial Congress Committee that they would stand aloof from it and my latest information is that they are not doing their best to discourage it. My own inference is that Congress leaders in Bengal have been given a strong hint from the Congress centre that trouble is not wanted, and, if this is so, it may help to bring about a more reasonable frame of mind. The attitude they have so far pursued of attempting to treat the Ministry with contempt and refusing to have relations with them reflects their exasperation, but, I am sure, is a fatal one: their own prospects could be infinitely brighter if they would recognise facts, swallow their wounded vanity and rely on their own intrinsic abilities to secure for them in due course, if not immediately, due-weight in the affairs of the country. A public appeal by the Chief Ministers to heads of Colleges and guardians published in today's papers is, I think likely to strengthen the moderating influences already at work.

There has been another development which, though hailed with expression of delight by the nationalist press, may not be without its advantages for the peace of mind of Government. A group of some 21 left wing Muslims of the Praja Party, has definitely announced its intention of voting independently and opposing the Government on selected issues. My own impression is that this development is welcome to the organisers of the Government Party in that it tends to put the Chief Minister definitely on one side of the fence and to free him from the temptation of attempting the impossible task of pleasing everybody. If that is so, it may result in a greater firmness and consistency in his attitude. Moreover, so long as the Government can retain a comfortable working majority without these 21—a position of which they feel confident—there are obvious advantages in the Congress opposition having the opportunity of cooperating with an independent bloc on terms which, in many respects, may not always be palatable to Congress supporters: and, lastly, if thereby the Congress were encouraged to look forward in due time to strengthening the opposition and building up an alternative coalition Government, the effect might be both to soften the present feeling of exasperation and to encourage a more responsible and constructive form of an opposition than merely seeking to inflame feelings and create "incidents."

Yours sincerely,
JOHN ANDERSON

424

*Nehru's View on Federal Government (Extract)**Nehru Papers*

21-23 August 1937

With the establishment of a federation, the Executive authority of the federal government will extend to the whole country and will comprise all the departments of the state in India, except in so far as a number of subjects come within the scope of provincial autonomy. The chief executive authority may be vested in the head or chief of the state who may be given an appropriate designation in keeping with our traditions. Rashtrapati has already become a well-known and popular word in India, and the chief of the state might well be called Rashtrapati. But the name is immaterial, what we have to consider is the position of such a person in our constitutional structure and the power and authority he is to possess. Should he be just a figurehead like the President of the French Republic or should he have the large powers which the President of the U.S.A. possesses? We feel that he should exercise his functions exclusively on the advice of his ministers. At the same time we would not like him to be just a figurehead. Under the exceptional and dynamic conditions prevailing in the world today, some measure of initiative should be given to our chief. His position might be midway between the Presidents of the French Republic and the U.S.A. He must act as the constitutional chief of a responsible government.

The federal executive would consist of a council of ministers, recruited from that party in the federal legislature which commands a majority of votes in the legislature. These ministers will be collectively responsible to the federal legislature and their salaries will be voted every year.

The federal legislature should be bicameral. We are against the two-chamber system in the provinces but we think that in the federation two chambers are desirable. One of these chambers, which for the sake of simplicity might be referred to as the lower house, should be elected directly by the people of India on simple uniform franchise such as adult suffrage. The other chamber, or the upper house, should be elected by the federating units as well as by special interests. The upper house should be the guardian of the rights and interests of the federating units as well as of minority and cultural groups, and of the fundamental rights laid down in the constitution. Its legislative powers need not be coeval with those of the lower house, and its authority in regard to the voting of the or the federal budget should certainly be considerably less

than that of the lower chamber. Its special function will be to revise the legislative proposals of the lower house and to scrutinise them from all points of view.

The device of the joint session of the two houses is not a very happy one and often causes estrangement. It should not be used as a matter of course in every case of conflict, but should be rarely adopted and only for certain well-defined purposes, such as the amendment of the constitution, reconstitution of a province, regrouping of the federated states, or in the event of a sudden emergency arising. Such joint sessions should only be held on the advice of the ministry in office.

In the provinces there should be only one chamber representing the people of the province directly on a basis of adult franchise. It would be desirable to encourage functional representation and to prefer this, whenever possible, to territorial representation. As there will be no second or revising chamber, provision should be made for a direct referendum to the provincial electorates on certain specified matters of fundamental policy affecting the organisation of the province as a unit or other subjects which are vital to the life of the province. If the method of referendum is adopted, the constitution will have to provide for the minimum majority necessary to carry out a fundamental change of policy.

425

R.S. Ruikar on Congress Indifference to Labour Problems

Independent India, 22 August 1937

Since the time that Congress has accepted office in this province [Bombay] many questions seem to have attracted the attention of the Congress Ministry; but it seems that the problem of industrial labour in this province has not received any attention from the Congress Ministry up to this time at any rate. Recently I had an occasion to draw the attention of the Secretary of the C.P. Congress Legislative Assembly Party to the fact that the agenda of the Party did not even refer to this vital question of the welfare of industrial labour. But the reply which I received from the Party Secretary was not at all encouraging.

The Nagpur Textile Union attempted to get in touch with the Congress Ministry and invited them to attend a public meeting of the workers at Nagpur so as to acquaint the Congress Ministry with the grievances of the workers. I wrote one letter to Dr. Khare the Chief Minister on the 1st of August and also a reminder on the 5th of August informing him of the desire of the workers to place the grievances of the workers before the Congress Ministry in a public meeting but I regret to

find that I have received no reply from Dr. Khare up to this time! In spite of the agitation carried on by the Textile Workers and resolutions passed by the public in mass meetings, the pending prosecutions against the Model Mill workers are still not withdrawn.

The Jubbulpore sweepers are also labouring under the same disability. Thirty-four sweepers are still being prosecuted though the strike there is long over and the very workers who are being today prosecuted are taken back in Municipal service. I feel that the delay caused in withdrawing the pending prosecutions against the Model Mill strikers and Jubbulpore sweepers is inordinate and unreasonable. If the Congress Ministry is in office to serve the cause of the workers and peasants, why should it require so much time, to withdraw the pending prosecutions against poor strikers and sweepers? I strongly feel that any further delay in withdrawing these prosecutions will be a grave injustice to the Working Class in this province.

The Nagpur Textile Workers have already become agitated over the question of wage-cuts and recognition of Trade Union. From Burhanpur comes the same tale of discontent and restlessness. At Hinghanghat I found a similar atmosphere. The employers at Hinghanghat are even terrorising the workers to the extent of depriving them of the right to vote freely in Municipal elections. At Badnera, no worker dare think of a Trade Union. The Badnera worker is like a terrified lamb in the grip of a wild wolf. At Nagpur I understand that in the Model Mill, workers are warned on the pain of dismissal from service not to attend any open meeting of the Union. Even at Akola the story is not in any way different. Nowhere in this province in the Textile Industry, the employers have recognised any Trade Union. The credit of recognising a Trade Union of the Textile Workers goes to Messrs, Shaw Wallace and Co. at Rajanandgaon and the Political Agent of the Chhatisgarh States Agency.

The recent events which have happened at Cawnpore have created misgivings in the minds of many Trade Union Workers as to what is going to be the attitude of Congress Ministries to Labour. The statements issued by the Madras and Bombay Ministries regarding class hatred and subversive propaganda had already created a feeling that Congress in office will not be very much sympathetic to extreme socialistic propaganda. Even such a strong supporter of office acceptance as Com. M.N. Roy has strongly criticised this attitude of the Bombay and Madras Ministries. The delay caused in our province in granting amnesty to Model Mill strikers and the Jubbulpore sweepers is not likely to create a feeling of confidence amongst the working class. I hope still it is not too late for the Congress Ministry to act quickly. I strongly appeal to the Congress Ministry in our Province to act promptly and quickly. The real need is to get in touch with Trade Unionism and to encourage the growth of Trade Unionism in this

Province. The Congress Ministry in office should utilise all its influence in favour of the working class. If the Congress Ministry in our Province adopts such a policy of the Congress safeguarding the interests of the working class, I can assure the Congress Ministry that we in the T.U.C. will always cooperate with the Congress Ministry in a brotherly spirit. I hope that the Congress Ministry will soon come out with a definite and clearcut programme of promoting the welfare of the working class and will thus justify its claim that it stands for the welfare of the workers and peasants.

426

Cunningham to Laithwaite on Internal Political Issues in NWFP

Linlithgow Papers

24 August 1937

[CONFIDENTIAL]
DEAR LAITHWAITE,

I send, herewith, for His Excellency's information, a report (in duplicate) for the period ending 23rd August 1937, together with copies of the Chief Secretary's report on the internal situation of the North-West Frontier Province for the first half of August 1937.

Copies of the reports are being sent to the Under Secretary of State for India.

Yours sincerely,
G. CUNNINGHAM

[ENCLOSURE TO THE ABOVE LETTER]

*North-West Frontier Province Governor's Report No. 9, dated 23rd
August 1937*

[CONFIDENTIAL]

I mentioned in my last report the intention of my Ministers to call together various Parliamentary Committees to discuss Government's future policy. No representatives of the Congress, Independent or Democratic Parties attended these meetings, but the Ministerial Party (16 Muslims and 8 Hindus) mustered at full strength. The real object of the meeting was to gauge the strength of the Ministerial Party, and I fear that the result has been to prove that the Ministers cannot rely on more

than 24 votes out of 50. On August 21st I received a declaration signed by 25 Members (19 Congress, 4 Democrats and 2 Independents) to the effect that they would support a vote of no-confidence in the Ministry next session. There, therefore, appears to be no hope now of the Ministry surviving the session, and I think that they intend to resign forthwith, if a vote of no-confidence is carried (probably on September 3rd), and not to make any attempt to carry on with the budget.

2. It is difficult to forecast what will happen if the Ministry do resign. It still appears to be uncertain whether Dr. Khan Sahib's Congress Party have received permission from the Central Committee to enter into a coalition, in spite of the report which appeared recently that Mr. Gandhi had said in Delhi that there was no objection to such a coalition. Moreover, even if permission is granted, I am doubtful whether the 25 Members who are ready to vote against the present Ministry will stick together once the Ministry is defeated. I think it more likely that there will be considerable disintegration and bartering which may cause disunion in their ranks. A purely Congress creed is not likely to thrive here, and the Khans freely admit the folly of their personal feuds which led to their defeat in the elections. It seems, therefore, that Dr. Khan Sahib, if invited to form a Ministry, may find himself unable to do so. In this event, I think it probable that there will be a reshuffling of the present Ministry, with a view to reconciling the 4 Democrats and the 2 Independents, or at least some of them. This, at any rate, is the present view of Sir Abdul Qaiyum, who tells me that the recent party meetings convinced him that his own following of 24 is staunch. Whether Sir Abdul Qaiyum will remain as Chief Minister I cannot say; Khan Bahadur Saadullah Khan, who is the weak spot at present, would certainly go, and I think that probably the Hindus would choose another leader in place of Rai Bahadur Mehr Chand Khanna.

3. I have, however, detected recently a certain amount of estrangement between Sir Abdul Qaiyum and Rai Bahadur Mehr Chand Khanna; they are both such convinced communalists that I have always feared a breach. I believe it is possible that in a rearrangement of parties Sir Abdul Qaiyum will try to form a solid Muslim block, on the lines of the Muslim League, which will be big enough to disregard the 8 Hindu-Sikh nationalists. There is already a good deal of purely Muslim political propaganda going on, of which he might take advantage, such as the Anjuman-i Islamia in Mardan and the Khaksar Movement. I have warned him of the danger of this, as it would almost inevitably throw the Hindus and Sikhs into the arms of Congress. Far the best hope for the future of the Province is clearly to have a Muslim-Hindu coalition, something like the present arrangement.

4. From all that I can learn from various sources, Dr. Khan Sahib's real feelings are by no means extreme. I believe that he is coming to see

that he must rely more on the Khans and better type of professional men in his party than on the rather uneducated members to whom he has hitherto been inclined to trust. The week before last was the first occasion on which Sir Abdul Qaiyum had had any communication with Dr. Khan Sahib since early May, and he tells me that he sees a considerable change for the better in his mentality. Dr. Khan Sahib, however, has made no suggestion to me yet that he would like an interview, and I have never directly invited him to do so, though I have on various occasions had messages conveyed to him by mutual friends that I would be glad to have a talk to him. I believe that he himself would readily come, but he feels bound by the discipline of the Central Congress Committee.

5. On August 22nd all restrictions imposed under the Public Tranquillity Act were removed, and the ban on Congress and allied organisations in the Province was lifted. The most important feature of this decision is that Abdul Ghaffar Khan is free to return to the Frontier. Even if he does not intend to return and live here permanently for the present, he is almost certain to pay a visit to Peshawar before long (it is reported that he means to come on August 27th), and he will undoubtedly be welcomed by very large crowds. A severe strain will be put upon District officials and the Police, and they will have to use much tact and forbearance in dealing with the crowds. Once the first excitement is over, I do not think there will be great cause for anxiety; I should be surprised if Abdul Ghaffar tries to resuscitate the unconstitutional side of his Red Shirt activities. In any case, I shall be relieved to know for certain what his real strength is; as an exile he is a perpetual bogey. I have, in the meantime, written to Mr. Gandhi, with His Excellency the Viceroy's concurrence, to say that there is no objection to Mr. Gandhi's visiting this Province, provided he steers clear of transborder matters. I have not yet received his reply.

6. The Political Conference which, as I mentioned in my last report, was to have been held at Bannu on August 15th, was postponed on the ground that Dr. Khan Sahib and some of the Congress leaders from outside the Province had to attend the meeting of the Congress Working Committee at Wardha on August 17th. I am not sure whether this was the genuine reason, or whether Dr. Khan Sahib made use of it as a convenient excuse to put off a conference which he had begun to look on with some apprehension. He must have been aware that there was a large amount of feeling in Bannu against holding a conference, particularly among the Khans of the District and also among many Hindus. If a resolution had been brought forward—as it well might have been—demanding the restoration of the Hindu girl, Islam Bibi, to her Muslim husband, it might well have engendered such heat as to split the Hindu and Muhammadan supporters of Congress in the District. The date of the Conference has not yet been fixed. It is said that it may take

place in Peshawar in October, but I think it is possible that it may be indefinitely postponed, as I believe that its main object was to invite support for the Provincial Congress Party before the September session of the Assembly; if Dr. Khan Sahib comes into power as a result of the session, it is probable that he himself would prefer to be rid of the embarrassment of such a meeting.

The next meeting of importance is a Waziristan Conference which it is proposed to hold at Peshawar next month. Its object presumably is to protest against what is rather loosely called Government's Forward Policy in Waziristan, but as it is probable that before it takes place the orders of Government to the Mahsuds and Wazirs will have been made public. I do not think that the Conference is likely to create much excitement.

427

*Linlithgow to Gowan on Government Policy Regarding Flying of Congress
Flag on Government Buildings*

Home Deptt. F. 131/137-Public

VICEREGAL LODGE, SIMLA

25 August 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR HYDE GOWAN,

Many thanks for your letter of the 20th August¹ about the flying of the Congress flag by village panchayats. It raises a point of some interest and importance, and I have gone into it very carefully here.

2. I would remark in the first place that the instruction of 1930 that no court of law "can be permitted to fly any flag other than that of the Government whose law is being administered" expresses a principle the soundness of which is obviously unassailable, and that whatever may be the position in other fields of governmental activity, it is of peculiar importance that the discharge of judicial functions should not be associated in any way with the party for the time being in power. It is relevant, too, that from the point of view of Congress propaganda, a state of things in which the Congress flag would fly over village courts might well be of much importance.

3. On the other hand, I recognise that we have decided not to object to the flying of flags on the buildings and property of local bodies, and there is much force in the arguments referred to in the second paragraph of your letter.

4. I would be inclined myself to endeavour to head your ministry off this request, though I share your view that it is not one on which we should in the last resort be disposed to break. I should have hoped that the arguments:

(a) that the strong objections to associating any court of justice, however limited its powers, directly with any party or party emblem;

(b) that any such action, however innocent its intention is likely to be misunderstood by litigants who may not themselves be adherents of Congress;

(c) that the importance which Congress have themselves often stressed of keeping all courts above parties, and the discharge of their functions above suspicion of partiality; if persuasively put, might have some effect on your Ministers to bring home to them the danger of their finding themselves on the ground if they press this suggestion.

In any event, I hope you may be able to persuade your Ministers to postpone making public any decision to permit the flying of Congress flags by village panchayats until you have again communicated with me.

Yours sincerely,
LINLITHGOW

428

Linlithgow to Brabourne on Suspicion Among Ministers About Senior Civil Servants

Brabourne Papers

25 August 1937

MY DEAR BRABOURNE,

A report which I have received from one Province mentions that there is some reason to believe that in that Province Congress Ministers entertain certain suspicion of heads of certain departments and hesitate to take them into their confidence; and that in future they propose in the Province in question to deal so far as possible direct with the office superintendant when any action is required. The basis of the suspicion is apparently a feeling that some heads of departments, and in particular

the Police, still have the ear of the Governor to whom they communicate details of the schemes and plans of Ministers before they are mature.

2. I do not know to what extent there is any indication of a similar disposition in your Province, but you will I am sure agree with me as to the undesirability, on grounds of discipline as well as on general grounds, of allowing any such practice to develop, and I would hope that if there should be any sign of such a disposition on the part of your Ministers, you might find it possible to exercise a moderating influence in the right direction before a practice of this nature shows signs of establishing itself.

Yours ever,
LINLITHGOW

429

Linlithgow to Zetland on Adjournment Motion on Andaman Situation
(Extract)

Zetland Papers

26 August 1937

8. The Andaman situation continues to be source of much concern to me, and I am sorry to say that there appears so far to be no signs of calling off the hunger-strike. We lost an adjournment motion complaining of our "Callous attitude" in the Assembly yesterday though by the not very wider margin of 7 to 8 votes (55 to 63), our defeat being due to a last minute decision by Jinnah to come down on the Congress side.² I have a strong feeling that the Congress themselves are finding the strike embarrassing and would gladly see it called off. My sympathies are very strongly with John Anderson, who is faced with the somewhat hysterical atmosphere which appears to develop with such rapidity in Bengal in circumstances such as the present. He has handled matters admirably so far, and I think all the greater credit is due to him because of the difficulty of keeping his Ministers in line, and the fact that the problem is not purely a problem of Bengal, but one which directly affects the centre in view of our responsibility for the Andamans; and which has reactions, apart from that, on the position in other Provinces. The real danger is of course that one side or the other (either the Government of India or the Government of Bengal) may in these circumstances make a public statement or an admission which will

seriously embarrass the other; I was very apprehensive of this a few days ago in the light of certain statements made in Bengal; and a statement made by the Government spokesman on the spur of the moment in yesterday's debate in the Assembly here may well give rise I fear to difficulty. One can but do one's utmost to keep one's own team in hand, and so far as Bengal is concerned Anderson is fully alive to the importance of the point and, as I have said before my entire sympathies are with him and with the Ministers in the conditions in which they have had to handle this very delicate problem.

I have just received your long telegram about Anderson's Ordinance. I am very glad indeed that you take the view that you have. I have throughout been most concerned that Anderson in his desire to support his Ministers in a very difficult and anxious situation, should keep prominently before him Article 8 of his Instrument, and that he should not (and I have at times been somewhat apprehensive on this point) allow a state of things to develop if he was really shouldering responsibilities which ought to be faced by his Ministers. The embarrassing reactions elsewhere of his doing so are too obvious to call for comment....

430

Gandhiji's Telegram to Viceroy Appealing to Andaman Prisoners to Abandon Hunger-Strike

Gandhi Papers

27 August 1937

If hunger-strike Andamans still on could you please wire following to strikers. Quote. I venture add my advice to Gurudev Tagore's¹ and Working Committee's to abandon strike relying upon us all trying best secure relief for you. It would be graceful on your part yield to nationwide request. You will help me personally if I could get assurance that those who believed in terrorist methods no longer believe in them and that they have come to believe in non-violence as the best method. I ask this because some leaders say detenus have abjured terrorism but opinion to contrary also has been expressed. Gandhi. Unquote. I shall esteem your kindly asking for reply to be wired.

GANDHI

431

Linlithgow to Haig on Kanpur Strike and Release of Political Prisoners

Linlithgow Papers

VICEREGAL LODGE, SIMLA,

28 August 1937

[PERSONAL & CONFIDENTIAL]

MY DEAR HAIG,

I have read with great interest the tenth fortnightly report contained in your letter of 22nd August¹ I am delighted to think that you are feeling so much better and I hope that you have by now completely recovered from the after-effects of your illness.

2. Your report is, if I may say so, extremely encouraging from very many points of view. I am glad that you share my view as to the importance of close contact both from the point of view of administration and that of Ministers, and I think that the arrangements you suggest should meet the case well.

3. As regards Parliamentary Secretaries; I equally agree that the existing arrangements safeguard the position. I am sure the point is one that is worth watching.

4. The Cawnpore strike should have given your Ministry valuable experience both in the handling of a situation of this character, and in this matter of the attitude to be adopted towards the communists. I too saw the report to which you refer about the circular issued by the Mazdur Sabha. I entirely share your hope that there is no foundation for it, for if the press reports are correct, it is of a most dangerous and inflammatory character.

5. As regards prisoners convicted of violent crime in connection with political movements, I think it is very useful to have had this public statement by Pant of the policy of the Government, and of the Congress, in regard to any movement involving violence. Should there be difficulty with these men later, the fact that the Government have taken this line should facilitate the task of dealing with them.

6. The point referred to in paragraph 9 of your letter is one of much difficulty. The investigations into it which we are making here consequent on your earlier reference to me are not yet complete, but I hope to telegraph in the next couple of days. I am glad to see, from the postscript to your letter, that the Premier realises the importance of the issues involved, and that the Congress organisation is co-operating to

¹ Not printed

make it clear that current rents must be paid. There is bound in the early stages to be a certain amount of exuberance on the part of local Congress members and Committees consequent on the assumption of office by the Congress, and it is, I suspect, of real importance that it should be made clear to them as early as practicable that the Government is not prepared to stand for action of this type. I am glad to read what you tell me not only of the attitude of your Ministers on this matter, but of their attitude on the budget and towards the rent revenue system generally; and it is a relief to me that the idea of a cut in pay, the difficulties in regard to which are familiar to you, should have been abandoned. I hope that you will be able to mitigate the effect of the proposed cut in travelling allowance. At any rate the essential thing is that the principle should be maintained that the rate should not be reduced so as to cause any loss to officers.

7. I fully agree as to the importance of the point taken in paragraph 14 of your letter, and I am glad to see that Pant, in his speech reported in the newspapers yesterday or today, has again endeavoured to impress on his supporters the importance of doing nothing to weaken the position of the Services. The more that your Ministry can do in that direction the better; and while I think that the next few months may well in many ways be a very trying time for the Services from the personal standpoint, my own anticipation would be that if we can hold the situation over that period, we need not apprehend any really lasting or continuing difficulty. The point has been stressed by observers from more than one Province that, in circumstances such as those now under discussion between us, it is of greater importance than ever that the Governor, or that high officials such as the Chief Secretary, should be in frequent personal touch with Heads of Departments, such as the Inspector-General of Police, and other officers whose charge extends over large areas—such as Commissioners, and so, through them, influence and encourage the respective Services to which they belong. That is a point which *prima facie* would appear to be a good one. As to its validity in the circumstances, e.g., of the United Provinces, you are of course alone in a position to judge, but I put it to you for what it is worth.

8. Let me say in conclusion how much I welcome the improvement in the relationship between you and Pant. It seems clear to me from your letters that, as I had always hoped would be the case with growing and closer experience both of the Governor personally and of the Services, his attitude has undergone a modification, and that he is beginning to realise the help that the Governor, not only can give him, but is anxious to give him, and equally the extent to which he can rely upon the loyal co-operation of the Services and their disinterested advice. This modification in the attitude of your Premier, taken with what is, I quite

agree, the generally sane and balanced approach of your Ministry to the problems confronting them over the field as a whole, both give one cause for satisfaction and for a degree of cautious optimism as regards the future.

Yours sincerely,
LINLITHGOW

432

*Chief Commissioner Andaman to Government of India about Suspension
of Hunger-Strike by Prisoners*

P&J/7/1297

PORT BLAIR
29 August 1937

FIRST OF FOUR PARTS.

Addressed Government of India, Home Department, repeated Chief Secretary to the Government of Bengal and Secretary of State for India.

My telegram No. 227, August 29th. Suspension of hunger-strike arrived at in the circumstances following. On the morning of August 28th I spent two hours at the jail where the leaders from different provinces had been collected in one place. When questioned what Gandhi meant by "relief" in his telegram,¹ I said that although I could give no official assurance I believed personally that, in view of the vote of censure in the Legislative Assembly and of requests made by some provinces having Congress Governments, whole question of repatriation of terrorists from Andamans would be considered by Government of India if hunger-strike called off unconditionally. They expressed surprise at hearing from me that Government of Bengal had announced intention to bring back detenus from Deoli to Bengal, as they had not believed this statement or anything in Doctor Bose's message. To further questions, I answered that I had no information as to whether or when detenus would be released in Bengal. As they talked about their demands being all-India question, I pointed out that Congress leaders in Legislative Assembly as well as Gandhi, who had asked them to call off the strike were men of all-India reputation, coming from different provinces.

¹ See No. 430.

SECOND OF FOUR PARTS

2. As Gandhi's message, specially part about non-violence, did not seem to attract much interest, except that it was clear that they trust his word more than that of the other (? politicians), I showed them a telegram addressed through me to 400 Gurmukh Singh and other hunger-strikers from communist and labour agitators in Calcutta which I thought would prove the men who might be expected to be in favour of (? violence) also wished them to abandon hunger-strike. Under normal conditions I would of course withhold this telegram received by me on previous day.

3. Following is text of telegram. *Begins*: 'Earnestly request suspension of hunger-strike forthwith. Entire nation has taken up your cause. Bengal Home Minister assures there will be no (? victimisation). Government prepared meet party leaders in Legislature to consider repatriation and demands for uniform classification in Division 2. Wire decision to be communicated to hunger strikers in different jails and camps.' Signed Muzaffar Ahmed, Bankim Mukherji, Niharendu Datta Mazumdar. It was at once clear that this telegram attracted more attention than Gandhi's vague message.

THIRD OF FOUR PARTS

4. Jail Superintendent and Chaudhuri were present when I spoke to hunger-strikers and it was settled that latter (except those in hospital) should be allowed to hold meeting at 2 o'clock. Deliberations were not completed at 7 p.m., and at the request of Ganesh Ghose, leader of Chittagong armoury raid case, who (? acted) as chairman at the meeting, jail superintendent, with my approval, allowed meeting to continue till 9 p.m. Ghose, who was forced into hunger-strike against his will at (lawless) stage, has been useful moderating influence all along, and eventually he and his party carried by overwhelming majority decision to suspend hunger-strike and although 2 hours earlier votes were about fifty-fifty. From what Ghose tells jail superintendent, telegram quoted in paragraph No. 3 turned scale. Jail Superintendent, Chaudhuri and I all think (? it had) more influence than Gandhi's message.

5. Following is text of message to Government of India carried by hunger-strikers and work strike suspending (*sic*) carried by 200 votes to 7. *Begins*: "At earnest (? appeal) of whole nation and its leaders and as entire nation has taken up our cause we are suspending hunger-strike and work strike with the hope that the Government will fulfil all our demands within a very short period of time." *Ends*. Minority includes 3 leaders mentioned in my telegram No. 214, August 26th.

FOURTH AND LAST PART

6. Chaudhari remained at the jail till midnight as six hunger-strikers collapsed after the lengthy deliberations, but most of the hunger-strikers broke fast before midnight. During my conversation with the leaders the question of no penalties was not mentioned. In view, however, (of the) Government of India's assurance about concession not being forfeited, I am allowing the hunger-strikers to send short formal letters by this mail informing their relations that they have broken fast.

7. Thanks to the good work of Chaudhari and the (Medical staff) not a single death has occurred, although the hunger-strike lasted five weeks. Great care will have to be taken of the 60 weaklings for some time, but it is hoped to send back to India by sailing September 22nd special medical staff. No need now to send four Sub-Assistant Surgeons from Madras on September 6th. I hope Jail Superintendent will be thanked by the Government of India for good work. *Ends.*

433

*Haig's Note to Pant Expressing Apprehension about Violence in UP**Haig Papers*

29 August 1937

I have been anxious to discuss this situation at the earliest possible moment with the Hon. Premier. I think I ought to make it clear at once that on the facts which have hitherto come to my notice, it appears to me that the whole situation has been profoundly and seriously affected by these demonstrations, and there seems to me to be some grounds for apprehension that the work of years in keeping in check the movement of political violence has been undone in a few days.

2. As the Hon. Premier is aware, in discussing the question of these releases, I have always attached the greatest importance to the effect upon the public mind. In a letter which I wrote to him on August 11th I stressed this point, and said that it might be a good deal easier to hold that these men could be released without danger to the Province if their release would not be misunderstood by the public and by themselves. I went on to say that it seemed to me that there was some real danger that if unconditional releases were ordered in such a case as that of the Kakori prisoners, an impression might be created that the Government were not

out of sympathy with the policy of political violence, on which these men had embarked, or at any rate that they were not prepared to combat it.

3. To meet these apprehensions the Cabinet agreed to put out a statement of their own attitude, which was of real value. They made it clear that they were confident that the prisoners no longer believed in the policy of violence and had no intention of following it further, and that it was in that belief that they had decided to remit the unexpired portion of their sentences. I can well understand the disappointment of the Hon. Premier at finding that these anticipations, very genuinely held, have not been fulfilled. But I fear that so far as the general public are concerned, they are likely to entertain some doubts about the attitude of the Ministry if it is true, as reported in this morning's paper, that two Parliamentary Secretaries to Government were present at the striking demonstration of welcome to the released prisoners in Lucknow.

4. I agree that we must wait fuller information; but we have in addition to the report below about events in Allahabad an exceedingly disturbing account from Mr. Owen of the procession in Cawnpore about which I also heard a good many details when I was in Cawnpore on Friday last. We shall require further information from Cawnpore, and a full report about the big demonstration in Lucknow reported in this morning's paper; but I feel it necessary to let the Hon. Premier know at once that I am disposed to take a serious view of what has happened. An experiment was made based on certain beliefs. It appears that those beliefs were wrong. No one can be infallible, but when we are confronted with plain facts, we have got to take them into account in shaping policy.

H.G. HAIG

29.8.37

A meeting was held at the Parade ground when the released prisoners were extolled as patriots of the highest order.

This procession was, I regret to say, organised by members of the Congress party in Cawnpore. I repeat my regret at the incident as there can be not the slightest doubt that it was revolutionary in character and intended to inflame the minds of the people against Europeans in this country and to extol as patriots men who had been hanged for murder.

Yours sincerely,
L. OWEN

434

*Haig Linlithgow on the Gravity of Developments in UP**Linlithgow Papers*

CAMP,
30 August 1937

[PERSONAL & CONFIDENTIAL]
MY DEAR LORD LINLITHGOW,

Many thanks for Your Excellency's personal and confidential letter of 28th August¹ and your very useful comments on my tenth fortnightly report. I think I ought to let you know at once that though I have nothing to say in modification of my general picture of the attitude and policy of the Ministry, the general situation in the Province seems to me to be definitely deteriorating. In my last two fortnightly reports I have drawn attention to the fact that while we are naturally much occupied with the various problems at headquarters which arise in connection with the relations with the Ministry, it is vital to consider what is the actual state of the Province, and in my last letter I indicated certain disquieting features. Since that letter was written the adverse factors have become more pronounced, or at any rate more evident to me. The accounts which I have received of the Kakori prisoners demonstrations, though not yet complete, are most disturbing, and it is evident that I must take a strong pull on the situation. It seems to me clear that I cannot agree under present conditions to any more releases of violence prisoners whatever may be the individual merits of the cases, and I shall very likely have to reverse my decision about Dublis, the prisoner in the Andamans. I shall be telegraphing to Your Excellency on this whole subject as soon as I have had a talk with Pant. At present unfortunately he is laid up; but I have already made it clear to him in writing that I regard the recent developments in connection with the release of prisoners as grave. The situation at Cawnpore, which I visited on Friday in order to get some first-hand impressions, is more disquieting than I had supposed, I think it is unlikely that we shall eventually escape a serious general strike there, which will certainly be accompanied by disorder. However that is a situation which no doubt can be dealt with, if and when it arises. I have had two recent talks with the Inspector-General of Police, who has returned from extensive tours in the Province, and the account he gives me of conditions is far from satisfactory. Finally, the Chief Secretary told me this morning that the latest fortnightly reports from Commis-

¹ See No. 431

sioners are decidedly less favourable than the last. I have not changed my view at all about the attitude and policy of the Cabinet, but it remains to be seen whether they will, in view of the left wing pressure on them and their own liberal theories of how the Government should be conducted, be able to keep control over the Province. I do not say that I anticipate any immediate crisis, but there are a number of matters which I must press on Pant, and I am not sure how far he will find himself able to accept them. The next month with the Assembly in session will probably show clearly whether the present Cabinet is able and willing to take necessary measures to retain control of the situation.

Yours sincerely,
HARRY HAIG

435

Gandhi's Telegram to Andaman Prisoners

Congress Bulletin No. 6

Thanks telegram. Glad all but seven broken fast. Do seven give reasons for continuing fast? I plead with them not persist allowing country chance seek relief. Will detenus not answer my question about non-violence?¹

GANDHI

¹ In their reply the prisoners assured Gandhi as follows: "Touched nation-wide appeal and your message. We suspend hunger-strike on assurance that the whole country has taken up our demands and because we are confidently hoping that within reasonable period of time you will succeed in getting all our demands fulfilled. We are glad you have given us the opportunity to express our firm opinion on terrorism. We feel honoured to inform you and through you the nation that those of us who ever believed in terrorism do not hold to it any more and are convinced of its futility as a political weapon or creed. We declare that it definitely retards rather than advances the cause of our country."

436

*Allah Bakhsh's Speech Demanding Constituent Assembly¹**Sind Legislative Assembly Debates**31 August 1937*

K.B. ALLAH BAKHSH (Muhammadan Rural Sukkur—North-West): Sir, I have heard with great interest the last speaker honourable member Mr. Raschen. He has told us the old history of Sind and then he told us that the British are here to protect the Indians against the hostilities of the foreigners. Well, Sir, India has to pay more than what she has got out of the British rule. Sir, I would remind him of the promises that the British Government have made from time to time and ask him how far they have been able to fulfil those promises. Sir, the idea of giving Home Rule to India first came in this country long long ago. But as recently as the year 1917 a declaration was made by Lord Curzon (*Sic*) to the following effect:

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of administration, and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire."

It was made clear that this could be attained only in successive stages to be controlled by the Government and that advance must be conditional upon the progress and co-operation received and the confidence inspired. That was the declaration of the year 1917, and it was reiterated in the year 1921.

Then, Sir, the honourable member (Mr. Raschen) should realize himself how far the British people can be trusted to fulfil their promises. The more important among the pledges given to India in this regard may be recalled. In the message that King George V addressed to the various Legislatures in India, which was read by H.R.H. the Duke of Connaught on the opening of the new Indian Legislature on the 8th February 1921, His Majesty said: "For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj within my empire and the widest scope and ample opportunity for progress to the liberty which my other Dominions enjoy. Sir, mark the words "other Dominions."

¹ He was speaking on the resolution for convening of the Constituent Assembly.

Then, after that, a third announcement was made in the same year 1921 by Mr. Winston Churchill. In a public speech to the Prime Minister of the Dominions and representatives of India, Mr. Winston Churchill, in June 1921, when he was Secretary of State for the Dominions and Colonies, said that "there was another great part of the Empire represented at the gathering which had not yet become a Dominion, but which moved forward under the Montague scheme in the work which began with Lord Morley and was continued by Lord Chelmsford, towards a great Dominion Status, and further we owed India that deep debt and we look forward confidently to the days when the Indian Government and people would assume fully and completely their Dominion Status."

Then, Sir, we go further. This was again repeated by Lord Irwin. In the course of the public announcement made on the 31st October 1929, which had the approval of the British Cabinet, Lord Irwin (now Viscount Halifax) pointed out that his own Instrument of Instructions from the King Emperor expressly stated that it is His Majesty's will and pleasure that the plan laid down by Parliament in 1919 should be the means by which British India may attain its due place among his Dominions. His Lordship added "The Ministers of the Crown moreover have more than once publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, I am authorized on behalf of His Majesty's Government to state clearly that in their judgement it is implicit in the Declaration of 1919, that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status."

Then, Sir, I go still further. What has the Prime Minister said subsequently in concluding the proceedings of the First Round Table Conference in January 1931? Mr. Ramsay MacDonald as Prime Minister said "Finally, I hope and trust and pray that by our labours together India will come to possess the only thing that she now lacks to give her the status of a Dominion amongst the British Commonwealth of Nations—what she now lacks for that—not only the responsibilities and the cares, the burdens and the difficulties, but the pride and the honour of responsible Self Government."

Now, Sir, today if we look to the Government of India Act, the very preamble of that Act does not provide or does not even make a gesture of Dominion Status. Now, Sir, clearly speeches after speeches, not only of one but of Lord Curzon, His Majesty George V, Lord Irwin, Winston Churchill and the Prime Minister—all responsible Governments—have

given promises of Dominion Status to India, and when they came to shape the destiny of India they refused to abide by their promise and refused to provide us with the Dominion Status. And what is the excuse for them? It is obvious that the Statute of Westminster came in the year 1931, and, Sir, these pledges were made before that, that is to say, in the year 1921. The British Government little realized what part the Dominions were going to take in the near future. Had they known that, they would not have committed themselves to make these pledges, and it is clear from the proceedings of all the 3 Round Table Conferences that the British Government chooses to go back on those promises. Sir, I refer the honourable member to what their British people say about those pledges.

Then I come to the Joint Parliamentary report. While referring to the preamble in their report, the Joint Parliamentary Committee stated that in it Parliament had set out, finally and definitely, the ultimate aims of British rule in India and the subsequent statements of policy have added nothing to the substance of this declaration. The Committee quote it in full in their report as settling once for all the attitude of the British Parliament and people towards the political aspirations of Indian people. The preamble remains the same. Now coming to the Act itself, there is nothing in it really speaking. I feel that the recommendations of the Simon Commission were in many respects much better than the present Government of India Act.

Sir, the fundamental feature of the present Act is the Instrument of Instructions and Orders in Council. It is a new innovation. Nowhere in the British history has an Instrument of Instructions to receive the consent of both Houses, that is to say, the House of Commons and the House of Lords. The British Government wishes to exercise full control over the progress of India. Every provision of the Legislatures affecting the country's finance and important pieces of legislation has to be placed before the Council, before both the Houses of Parliament, the House of Lords and the House of Commons, the former being a body where no progress could be made.

Another feature of this Act, Sir, is that there is no progress made under any section of the Act. The Honourable the Chief Minister told us that if the communities came to some settlement, it was possible that the Act could be revised. There is nothing in the Act making a provision for revising it. If there had been any provision, then at a later stage the communities could by degrees agree as between themselves....

I feel that, at least, as the Act stands at present, there is no provision made. Some provision should have been made, and I agree with my honourable friend, Mr. Gazdar, when he says that it is necessary to have

given the legislatures constituent powers to change the constitution if the communities came to a settlement between themselves. It would have been then possible to make some progress, but now all these powers are reserved by the Parliament, and I am inclined to support the honourable member Shaikh Abdul Majid in his amendment. It contains a principle which nobody can deny. It is a principle which has been accepted by the Congress themselves. They say "we are minorities and we must be protected." Sir, I can submit to my honourable friends, the members of the Congress group, that there is nothing wrong in this demand, when they accept the principle that they would protect the minorities. Therefore, I would support the amendment of my friend Shaikh Abdul Majid.

437

Released Political Prisoners' Statement on Press Report (Extract)

The Pioneer, 31 August 1937

After spending a very long period of our life in prisons we are glad to find that India is politically, socially and otherwise more conscious and advanced than dreamt of by the people at the time when we were clamped in jail.

We also find that during these years, full of travail and silent sufferings of our countrymen, the Congress has been developing more and more into the biggest anti-imperialist revolutionary mass organisation and it is our considered opinion that it is possible to realise our immediate goal of complete independence through the Congress.

We are extremely pained to find that a section of the Press has been distorting and misrepresenting our utterances at Allahabad, Cawnpore and Lucknow in order to embarrass us and the Congress Ministry of the United Provinces, which has given a definite lead in regard to the release of political prisoners in India and thus has earned the gratitude of whole country.

We have been represented by this section of the Press as having preached and advocated terrorism on the occasion of our receptions. Nothing is further from the truth. Indeed, we gave it out in the most unequivocal terms that the only important thing for us is to throw our whole weight to strengthen the Congress and do away with terrorism in the whole country.

We have decided to join the Congress wholeheartedly and do assure our countrymen that all our comrades who are yet behind the prison bars in India or in the Andamans think as we do and will, like us join the Congress when released.

438

Rajagopalachari's Speech on Constituent Assembly

Madras Legislative Assembly Debates

31 August 1937

Sir, in one sense the debate has been very useful from the point of view that I like particularly to represent. In another sense I must confess to a feeling of disappointment, and that is because of the reference to many matters which really do not fall within the scope of the debate that I thought I initiated by moving this resolution. It has opened my eyes incidentally to a number of misconceptions which I think it worthwhile to take the time of the House to remove if possible.

The first thing that I should respectfully explain, Sir, to the House through you, is this: that when in the last clause of this resolution it is stated that the assumption of office by Ministers in this province should by no means be understood as a surrender of the national demand for the constitution being framed by a Constituent Assembly, I did not at all intend as some members put it to give an explanation about the mental reservations with which the Congress accepted office. I did not imagine that any such explanation was necessary at any time, and certainly at this stage, it was not necessary at all. I am sorry that a clause of the resolution could be even misunderstood in this manner. If I had time I would have altered the wording so as to remove that possible misconception. The object of that clause is not to give an explanation as to why the Congress took up office, but to remove from the public mind, especially in Britain, the notion, and the wrong notion, that the country is satisfied. Because the Congress has taken office, they might well infer that the Indian problem has been solved and that attempts for framing a better constitution may be postponed. I wanted by this resolution to make it perfectly clear that the issue of the wholly undesirable character of the federal structure that has been proposed, is still a live issue. Because we have agreed to try the experiment of taking up office in the provincial sphere, it does not mean that we believe that the whole of the Act is

experiment-worthy. I want to make it clear that, so far as the federal structure is concerned, this experiment that we are making and this acceptance of responsibility that we have undertaken is not to be misconstrued to be an acceptance of the seaworthiness of the Federation. It is with that object that this clause at the end of this resolution has to be a stale thing merely to condemn the Constitution Act in this Assembly. The very election has condemned it; public opinion has condemned it. We are not people who believe that if a resolution is passed inside this House, with all its paraphernalia, then it becomes more important than the public opinion expressed in the election. My hon. friend, Mr. Appadurai Pillai, said that the idea of a Constituent Assembly is a novel one that it is not for people like himself to accept it and that they are not prepared to accept such a revolutionary idea. He said he trembled in fear to read the resolution. I want to see this fear removed. This Constituent Assembly is exactly what the hon. Members who moved the amendments want. Let me prove it in a few words. The parties associated with the Congress do not believe in separate representation, do not believe in communal elections as a guarantee for minorities. It is only for meeting the wishes of parties who think that communal representation is necessary that this proposal for a Constituent Assembly was made. If you care to look into the literature on the subject of Constituent Assembly, you will find that when this idea was first enunciated, it was made clear in the resolution embodying the idea that every adult citizen in India shall have the right to be represented in that Constituent Assembly. That must remove at once any fear that there will be any undue representation of a particular person or party, because if you take into consideration the vote of each man or woman, you will find that it removes all possibilities of gerrymandering. Sir William Wright said that it was impracticable. True, if I had wanted direct representation on adult suffrage, his observations would have been quite correct. Nobody has asked for direct representation in regard to the Constituent Assembly. There should be no mixing up of the procedure we used for one purpose with the procedure that we have to employ for a certain other purpose. The executive administration has to be conducted in one way, the legislature has to be conducted in another way; and the constitution-making has to be conducted in a third way. We do not intend to have direct voting on the basis of adult suffrage. When we adopt this procedure in connexion with the Constituent Assembly, every adult must have a vote direct or indirect. Adult suffrage on this basis is not impracticable.

Then it has been asked, what about minorities being protected properly, what about various other parties or interests? Here I want to draw the special attention of hon. Members to the earliest statement that

was made in connexion with the Constituent Assembly. It is only for safeguarding the interests of minorities and other parties that we agreed for the purpose of the Constituent Assembly to have separate representation though we do not favour those who desired it. It is because we wanted to cut the vicious suspicion that we agreed to such a course. Though we do not believe in separate representation, we are prepared to allow special forms of representation and make communal arrangements in forming the Constituent Assembly. If people so constituted into an Assembly for constitution making decide that communal representation should be continued let it continue. If they decide that it should not continue, let it not continue. If the separatists decide there should be a joint electorate and no separate electorates, how could there be any objection? In the Constituent Assembly we propose, everybody will have equal right to come in and even communal representation may be accepted for that purpose. So the idea of a Constituent Assembly is not impracticable. The idea of a Constituent Assembly, far from being an impracticable dream or a thing to be afraid of, I may tell the House that it is the only method of solving the almost seemingly insolvable problem of making a constitution which would be acceptable to all the people of India. The authors of the 'constituent Assembly idea' had no particular bias or prejudice in favour of this or that form which the Constituent Assembly should take. They have made statement to this effect in so many conferences. It is because they met with so many failures in the attempt to solve the communal difficulties in other ways, they were driven to arrive at the conclusion such as the one we have referred to in our resolution. There is no other way except this. Of course we may accept any decision which Britain may give us. Is that the only solution for our problem? It is like death that no doubt solves difficulties. I submit it is suicide to adopt the solution of outside control. There is no meaning in throwing this burden on outsiders. That is why I say we must still try to solve this problem. Every one of us may come into the Constituent Assembly, have all the safeguards and separatism if he favours it. That is the real meaning of the constituent Assembly. And what does this resolution say? It says that the assumption of office by Ministers in this Presidency should by no means be misunderstood as a surrender of the national demand for a constitution to be shaped by the representatives of the people of India duly summoned to a Constituent Assembly convened for the purpose. For certain reasons we have accepted office and responsibility in the Province, and we say from the advantageous position and responsibility which we hold, with all the advantages and experience that we have had, that the federal structure as proposed is wrong and should be withdrawn.

Sir, this resolution does not talk of wrecking. There is no need in the

debate to refer to wrecking. What this resolution says is not that the Government is going to wreck the Government, however contradictory it may be, not that the Congress asks the Assembly to support the theory of wrecking. All that it says is that the constitution is to be replaced. It was said by one hon. Member that one did not want revolution; and that we want reform. Sir, revolution has been thoroughly misunderstood. We do want revolution; we do want a thorough change. But apart from that, the proposed federal structure is a revolution. I do maintain that bringing the Indian States into the Government of India is a thorough-going revolution and we oppose it. We are not having a gradual change there. Gradual change is what we want. I do want that only those Indian States, for instance, which develop the representative and responsible institutions that we have in the Provinces should be permitted to land into the central structure. That would be gradual. The opposition that this resolution contains to the Government of India Act is not revolution. I do submit that the federal structure of the Government of India Act is revolutionary and undesirably revolutionary.

Yes, we do want revolution, but that does not mean bloodshed. There has been a certain amount of confusion attached to the word 'revolution'. We cannot help it.

One amendment in particular wants the introduction of the names of the All-India Muslim League and other bodies in the resolution. If condemnation alone had been my object, as I said already, I would have gladly accepted the advice to include other bodies, which would have strengthened the condemnation. But what we want is, and the main part of this resolution is, the recommendation of the Constituent Assembly idea. Has the Muslim League accepted it; do the other people who have proposed amendments accept it? No. That is why it would be unfair for me to accept the amendments merely to satisfy those who moved the amendments. Yes, it may be said, introduce the Muslim League and other bodies at the top of the resolution in the condemnation part and leave the rest as it is. But that would give the idea that all these people, even the Muslim League and the others have accepted the Constituent Assembly idea. In fairness to them I should not accept the advice given for the introduction of those words, innocent as they may seem to be. I can understand the hon. Member for Madras City Mussalmans saying remove all the words after "aspiration" or simply add "Muslim League and other bodies" and stop there; do not proceed further to the constituent Assembly idea.' That was possible. But that would have been merely converting this Assembly into the hundred and first public meeting on this subject. It is not all that we want. I therefore appeal to the House, Sir, that it may accept the resolution without any amendment of doubt.

RESOLUTION

"This Assembly resolves that the Local Government do forward to the Government of India and to His Majesty's Government, its emphatic opinion that the Government of India Act, 1935, should be replaced at the earliest possible date by a constitution in consonance with the aspiration of the people of India as expressed in the resolution of the Indian National Congress, and that the assumption of office by Ministers in this Presidency should by no means be understood as a surrender of the national demand for a constitution to be shaped by the representatives of the people of India duly summoned to a Constituent Assembly convened for the purpose."

439

President Mysore Congress Board to Secretary AICC Regarding Repressive Policy of the State Government

AICC Papers, F.No. G/58/1937

31 August 1937

DEAR BROTHER,

You may be aware of the repressive measures that are being continued in the state, interfering with the normal, legitimate and constitutional activities of the Congress. For instance no public meetings can be held in Bangalore City without obtaining a license from the Magistrate. Similar orders are in force in various other parts of the state.

The hoisting of the National Flag is prohibited in the state.

Congressmen from outside the state are gagged and forbidden to speak. Dr. Hardikar, Srimati Kamaladevi, Comrade Masani, Shri D.D. Karmakar and others have been honoured with such orders. I will shortly be sending a tabulated list of repressive orders issued in the State, since the past six months.

Due to intensive official propaganda Mysore has come to be known as the model state and few know the real conditions and the seething discontentment in the country.

It is very necessary that intensive propaganda has to be done to acquaint the public of the real conditions prevailing in Mysore. It is for this purpose that your help and co-operation is sought.

You can help us in many ways and one of them is to bring home to the people in British India the real condition in the state. After all we are one

and this difference between the states and the provinces cannot and ought not to continue for all times to come. If steps are not taken from now the Ruling Princes will take advantage of the situation to strengthen their position and act as stumbling block in the realization of freedom even for the British Indian Provinces.

When this is admitted you cannot refuse your co-operation. I want to request you to circulate to all Provincial Congress Committee to observe 'Mysore Repression Day' say about the 12th of September. The conditions in the Mysore state should be explained and resolutions passed condemning the repressive measures being adopted.

This is not too much and I am sure you will comply with the request.

440

Nehru to N. Ramamurti on Denial of Civil Liberties in Mysore State

AICCI Papers, G-88/1937

1 September 1937

DEAR SIR,

I am in receipt of your letter of the 25th August forwarding to me a copy of the letter sent by your union to the Diwan of Mysore. I have read this letter carefully and I think it makes out a very strong case against the present Government in Mysore. This Government has long had a reputation of being progressive but it is quite clear that this reputation is thoroughly unjustified, specially in regard to civil liberties. It is right that public attention should be drawn to this denial of civil liberties in a state which considers itself advanced.

So far as the Congress is concerned it takes every interest in the conditions prevailing in the state. There is no question of pursuing a policy of non-interference. I do not know where you have got this idea from. But because the states are politically more backward it is more difficult to do regular work there. In regard to Mysore our office will gladly give the fullest publicity to what is happening there.

Yours sincerely,
JAWAHARLAL NEHRU

441

*Gandhi to Viceroy Requesting Unconditional Release of Andaman Prisoners (Telegram)**Zetland Papers*

WARDHAGANJ

1 September 1937

In view clearest declaration¹ Andamans respectfully solicit your assistance: facilitate unconditional release all prisoners. I implicitly trust their word of honour and would do my utmost best promote perpetuation of peaceful methods to which my life is dedicated.

¹ On 30 August 1937, Gandhiji received a message from Andaman prisoners, See, No. 498.

442

*Linlithgow to Gandhi Declining Request for Release of Prisoners**Zetland Papers*

MADRAS,

2 September 1937

DEAR MR. GANDHI,

I have received your telegram of 1st September¹ in which you ask me to facilitate the unconditional release of the prisoners in the Andamans in view of the statement made by them in reply to you in regard to their attitude towards terrorism.

2. I do not think that I am intruding in the sphere of the autonomous Provincial Governments in expressing my personal view on this matter to you. As you know I am confident, and always have been concerned to ensure that all possible sympathy and consideration shall be shown in dealing with cases such as the present and that this is equally the attitude of the Governors. And I fully recognise that it is of great value that prisoners who have been sentenced in respect of violent crime such as the prisoners in the Andamans, should subscribe to your own view, which I entirely share as to the folly and short-sightedness of endeavouring to obtain political objectives by terrorism. But the nature and degree of the

¹ See No. 441

offences for which those prisoners have been sentenced to terms of imprisonment are, and must in my judgment on any view of public interest, inevitably be directly relevant to any decision in regard to the remission or the reduction of their sentences. I will not take the point that the undertaking given by the prisoners deals with terrorism only, and in no way indicates that they have abandoned violent methods, although I note that your telegram definitely invited them to state their view on this matter of non-violence as opposed to violence. The underlying consideration is one of a different character. It is, briefly, that those who have brought themselves within the reach of the law consequent on offences such as those which have been committed by those prisoners over 60 of whom, as you are aware, have been convicted of murders some of them of a particularly brutal type, or of attempts or conspiracy to murder, over 100 of whom have been convicted for violent dacoities, and the remainder of whom have been closely associated with a subversive movement of a character which no Government, whatever its complexion can, consistently with its duty to the public, be expected to regard in any other than a very serious light, cannot lightly be enlarged merely on the strength of a statement, the genuineness of which I need not say I in no way dispute, that they have abandoned terrorism. Nor it would be proper that, merely on the strength of such an undertaking (I repeat unaccompanied by any indication that violent methods will not in any circumstances in the future be adopted or supported by them), they should escape the punishment which the law awards to those who have been guilty of offences so serious and so detrimental to public society as those which I have referred to above. You will not, I am sure, think that in expressing the views that I have, I am actuated by any lack of appreciation of your own anxiety to do away with violence, and to ensure a right attitude towards constituted authority on the part of persons such as those whose cases are the subject of my present letter. But it would not be fair to conceal from you the light in which I myself regard the position, or to suggest that I think, much as I sympathise with the motives which underlie your request to me, that request could lightly be granted in regard to consideration of public order.

Yours sincerely,
LINLITHGOW

443

Rajagopalachari to Munshi on the Separation of Executive from Judiciary

Munshi Papers

DEAR FRIEND,

3 September 1937

Though I have no time to write any decent letter to you, I must hurry to warn you against accepting the policy of separating the Executive from the Judiciary which, due to old ideas, some of our party members still think it good politics. Dividing the Executive from the Judiciary will take away whatever limited power we have secured for the people. The judiciary will become the stronghold, just as the Executive was before of foreign domination. I have turned it down in this province and my party has understood and appreciated the reason. Apart from what is stated above, there will be conflicts if not deadlocks.

Yours sincerely,
C. RAJAGOPALACHARI

444

Gandhi on His Meaning of Office Acceptance

The Harijan, 4 September 1937

SHANKERRAO DEO WRITES:

"In your note 'Not Instrument of Instructions' in the last *Harijan*, you say in the second paragraph, 'For me office acceptance has a special meaning even in the terms of the Congress manifesto and resolutions. It would be wrong if I did not put before the Ministers and the public my meaning of office acceptance.' As I have understood you, you are for office acceptance for serving the masses and consolidating the Congress position through constructive programme. But I think you should explain in greater detail your meaning of office acceptance."

Rightly or wrongly, since 1920 the Congress-minded millions have firmly held the view that the British domination of India has been on the whole a curse. It has been as much sustained by British arms as it has

been through the Legislatures, distribution of titles, the law courts, the educational institutions, the financial policy, and the like. The Congress came to the conclusion that the guns should not be feared, but that the organized violence, of which the British guns were a naked emblem, should be met by the organized non-violence of the people, and the Legislatures and the rest by non-cooperating with them. There was a strong and effective positive side to the foregoing plan of non-cooperation, which became known as the constructive programme. The nation succeeded to the exact extent of its success in the programme of action laid down in 1920.

Now this policy has never changed; not even the terms have been revoked by the Congress. In my opinion all the resolutions since passed by the Congress are not a repudiation but a fulfilment of the original, so long as the mentality behind all of them remains the same as in 1920.

The corner-stone of the policy of 1920 was organized national non-violence. The British system was wooden, even satanic; not so the men and women behind the system. Our non-violence, therefore, meant that we were out to convert the administrators of the system, not to destroy them; the conversion may or may not be willing. If, notwithstanding their desire to the contrary, they saw that their guns and everything they had created for the consolidation of their authority were useless because of our non-use of them, they could not do otherwise than bow to the inevitable and either retire from the scene, or remain on our terms, i.e. as friends to co-operate with us, not as rulers to impose their will upon us.

If Congressmen have entered the Legislatures and have accepted office with that mentality, and if the British administrators tolerate Congress Ministries indefinitely, the Congress will be on a fair way to wreck the Act and to achieve Complete Independence. For an indefinite prolongation of the Ministries on the terms mentioned by me means an ever-increasing power of the Congress till it becomes irresistible and is able to have its way all along the line. The first indispensable condition of the attainment of such a consummation means willing exercise of non-violence by the whole mass of the people. That means perfect communal co-operation and friendship, the eradication of untouchability, willing restraint of the addicts to the drink and opium habits, the social enfranchisement of women, the progressive amelioration of the toiling millions in the villages, free and compulsory primary education—not in name as it is today, but in reality, as I have ventured to adumbrate—the gradual eradication of superstition of proved harmfulness, through adult mass education, a complete overhauling of the system of higher education so as to answer the wants of the millions instead of the few middle class people, a radical change in the legal

machinery so as to make justice pure and inexpensive, conversion of jails into reformatories in which detention would be not a course of punishment but a complete course of the education of those miscalled convicts but who are in fact temporarily deranged.

This is not conceived as a terribly long plan of action. Every one of the items suggested by me can be put into motion today, without let or hindrance, if we have the will.

I had not studied the Act when I advised office acceptance. I have since been studying Provincial Autonomy by Prof. K.T. Shah. It is an energetic but true indictment of the Act from the orthodox standpoint. But the three months' self-denial of the Congress has changed the atmosphere. I see nothing in the Act to prevent the Congress Ministers from undertaking the programme suggested by me. The special powers and safeguards come into play only when there is violence in the country, or a clash between minorities and the so-called majority community, which is another word for violence.

I detect in the Act a profound distrust of the nation's capacity to rule itself, running through every section, and an inevitable desire to perpetuate British rule, but at the same time a bold experiment of wooing the masses to the British side, and, failing that, a resignation to their will to reject British domination. The Congress has gone in to convert those missionaries. And I have not a shadow of doubt that if the Congress is true to the spirit of non-violence, non-cooperation and self-purification, it will succeed in its mission.

445

*Note of Discussion at Simla on Congress Propaganda and Communist
Movement in Bombay*

Linlithgow Papers

6 September 1937

PRESENT:

His Excellency the Viceroy.

His Excellency the Governor of Bombay.

The Hon'ble Mr. R.M. Maxwell.

Mr. W.H. Lewis.

Sir John Ewart.

The Private Secretary to His Excellency the Viceroy

GUJARAT LANDS

His Excellency the Governor of Bombay briefly set out the present position in regard to this question and referred to the serious issues which were involved. The point which caused him most concern was that he was satisfied that the only real answer of a No-Rent Campaign was forfeiture of the lands of persons who refused to pay land revenue, and that were we to find ourselves faced in the future with a Section 93 situation, it was obviously of the utmost importance that Government should have at their disposal a really effective weapon for dealing with the situation which would arise. The weapon of forfeiture and resale would be entirely blunted were we now lightly to resile from the undertakings made in the most formal manner by Government in connection with confiscations of land in Gujarat in 1931. In a note which was circulated at the meeting and copies of which are appended to this record, Mr. Bristow, Secretary to the Governor, had suggested that it was arguable that in these circumstances the Governor would be justified in invoking the provisions of Section 52(1)(a) to deal with the situation on the ground that the potential menace in terms of the future involved in acceding to the demand of the Ministry was one of such a character which would attract the provisions of the section in question.

2. His Excellency the Governor added that he accepted that objection could not very well be raised to his Government dealing with this matter on the basis of generous compensation, and that were they in fact to offer generous compensation, the situation would be much easier. Their present idea, however, was to get back the lands on the basis of the price originally paid for them at the time of the sales.

3. The Governor-General indicated that he felt at this stage considerable difficulty in satisfying himself that it would in fact be possible to use Section 52(1)(a) as suggested, and he added that it was of course of real importance, as the Secretary of State had throughout held, that we should not place a greater strain on the special responsibilities than they could properly be expected to bear.

4. Mr. Maxwell supported His Excellency the Governor's view of the importance attaching to this issue.

5. Mr. Lewis raised the point of the extent to which Congress pressure on the holders of land was likely to be of such a character as to outweigh any special protection which could legally be afforded to the present holders. His Excellency the Governor agreed that such pressure was likely to be very substantial, and that a large number of the present owners would probably express themselves ready to accept any terms rather than stand out against it. Mr. Lewis proceeded that the line proposed to be taken in this matter represented the policy of Ministers, and fell outside the control of the Governor save to the extent that any special responsibility might be attracted. Ministers had, it appeared, decided quite definitely that they were not prepared to proceed by way of legislation, and they were in those circumstances thrown back on executive action. Their difficulties would begin when they started to take executive action. He enquired whether they were likely to take action as a Party rather than as a Government. His Excellency the Governor confirmed that this was the case. Mr. Lewis remarked that in that event there would be no question of attracting a special responsibility and that the action would be the action not of Ministers but of the Congress Party. If in such circumstances the Congress Party or members of it brought pressure to bear on the present holders of the land and if they in so doing transgressed the law, the victim then had his legal redress. If they did not transgress the law, there appeared to be no justification for any intervention by the Governor.

6. His Excellency the Governor said that he was very clear that unless Ministers were allowed to take some steps in this matter, in which their credit was deeply pledged, they were likely to resign, which was not a contingency which he wished to face or a state of things to which he wished to drive them. What he would however like to do would be to persuade them to pay a more generous compensation.

7. The Governor-General remarked that we were clearly faced with one of two alternatives at this stage. The first was that the Ministry would have to demit office, a state of things which His Excellency the Governor confirmed that he was most reluctant to see. The second that we should proceed on the basis of the Ministry remaining in office, but that we should persuade them to give the persons affected the very best

price possible for their land—an alternative for which the Governor indicated his very definite preference. He added that he was very ready to look at the matter again as a whole in the light of the discussion which had taken place and, should there appear to be advantage in that, to make a further reference to the Secretary of State. He frankly confessed that he did not see much hope at this stage of bringing the matter within the scope of a special responsibility; but he fully accepted the importance which the Governor had so strongly stressed attaching to a decision on this question from the point of view of dealing with a Non-payment of Rent Campaign.

11. ATTITUDE TO BE ADOPTED TOWARDS THE CONGRESS DEMAND FOR A CUT IN ALLOWANCE

8. This question had arisen in two Provinces—Bombay and the United Provinces. The Governor-General was advised that there was no legal power to stop Ministries, whether Congress or other, from making a cut in allowances, though clearly if a point was reached at which a cut was of such a nature as seriously to affect the position of an officer to the extent that it made him pay from his own pocket the expenses involved in discharging his official duties, the question of special responsibility under Section 52(1)(c) might arise. The question was however clearly one of degree; and the advice hitherto given had been that a Governor should aim at persuading his Ministry to agree that no cut should take place the effect of which would be unfairly to prejudice an officer. Part of the difficulty was admittedly in deciding at what point to draw the line. That was equally however a difficulty which must arise if there was to be any question of reaching the conclusion that a special responsibility was attracted by the action proposed by Ministers.

9. The Governor of Bombay indicated briefly the provisional proposals which were being made by his Finance Department to Ministers on this subject. His Ministers had made it clear that they did not desire to reduce touring, though they did wish to reduce its expense, and he accepted that was in fact their attitude. He was inclined to feel that Ministers were conscious that the pay of certain Services was protected, but that it was open to them to ensure certain reductions in the total expenditure by cutting allowances, and they had in fact now included in their budget a cut of 1½ lakhs. His Excellency felt that wholesale reductions might seriously discourage the Services and badly affect their morale, although he did not deny that some modifications within narrower limits could admittedly be made. He thought on the whole that his Ministry were likely to be open to argument, but suggested that the wise course would be that the Governor-General should indicate certain broad principles to Governors, both because of the value that this

would be to Governors in dealing with proposals from their Ministers and because it would reduce the danger of competition between Provinces owing to the fact that lower rates had been fixed by the Government of one Province than in another. The position was not eased in Bombay by the fact that rates had been cut comparatively recently and that there was little if any margin; and he felt strongly that an officer had a definite right to be reimbursed for expenses legitimately incurred by him in performing his official duties.

10. After some general discussion the Governor-General indicated that in his view a very strong case indeed would have to be made out on this matter before a special responsibility could be regarded as being attracted. He indicated his readiness to consider a circular reference to Governors, but suggested finally that the wisest course appeared to be to aim at securing the maximum reduction possible in the immediate demand now being made by the Bombay Ministry and to offer to set up a Committee to investigate the whole question. Reference had been made in the course of discussion to the fact that in the past there had been at various stages committees of an authoritative character to investigate this matter of allowances whose recommendations had frequently involved the acceptance of reductions. The essential thing was that any Committee should be well acquainted with conditions and able to produce a report which would have taken into account all the relevant factors.

11. His Excellency the Governor indicated that he was disposed to agree that something of this nature would probably be in the circumstances the wisest course to adopt, and added that he would aim at playing for delay with his Ministry and endeavouring to persuade them to reduce their present full demand.

NOTE

SECTION 52 (1) (A).

The prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.

The policy of Congress is known to Government from various sources and they have made no secret that acceptance of office has made no difference to their ultimate aims. These are the transference of power from Government to Congress with a view to the establishment of a Constituent Assembly and complete independence.

The Ministry has already shown signs of attempting to abandon official action in favour of unofficial influence through local Congressmen, e.g., at Sholapur release of prisoners, Gulzarilal Nanda and labour disputes. The establishment of a parallel Government was nearly

achieved in Gujarat in 1928 and 1930, and it will be easier to achieve under a Congress Government. Such an unofficial Government is bound before long to break down and lead to disorder. It is the most serious menace to peace and tranquillity which confronts Bombay. It is more serious than communism because the latter threatens the peace of the big cities, while the former would not only upset the peace of the whole countryside, but destroyed the weapons for restoring order, *viz.*, the local police and executive authority.

Obviously the attainment of these ends must be a gradual process, and it is difficult, if not impossible, to say that any particular step is a "grave menace". It is essential therefore to judge each step in the light of its tendency and ultimate object and to draw up a line of defence beyond which it would be dangerous to go. Otherwise no "grave menace" will be recognised until it is too late to resist it.

I suggest the following as matters about which a stand must be made:—

- (1) Forcible return of forfeited lands or return on unfair terms.
 - (a) Because historically this was the crucial matter in the struggle between the established Government and the movement organised to overthrow it,
 - (b) non-payment of land revenue is the most insidious method of attack on constituted authority.
- (2) The use of Government officers to secure their return.
- (3) The cancellation of sentences passed by the Courts under the ordinary law.
- (4) Harassment of officers by transfer or by cutting allowances so that they have to pay for travelling, &c., out of their pay or in other ways.
- (5) Attempts to make Government officers work with or through Congress bodies.

The Ministry are responsible for law and order, so they should be left to deal with communism and terrorism. This will teach them responsibility if anything will. They cannot be expected to deal with subversive Congress propaganda, but they are as a party free to deal with communism. The Governor need therefore only interfere to prevent cancellation of sentences legally passed.

C.H. BRISTOW,
Secretary to H.E. the Governor of Bombay

446

*Robert Reid to Linlithgow on Assam Situation and Unrest
in Naga Hills (Extract)*

Linlithgow Papers

GOVERNMENT HOUSE,
SHILLONG
6 September 1937

DEAR LORD LINLITHGOW,

... The possibility of one or more changes in the Ministry is being canvassed in political circles. A few days ago the Muslim Ministers and the majority of their supporters agreed to come under the banner of the All India Muslim League, a small body of whom headed by Maulvi Abdul Matin Chaudhury, an able youngman who is a devoted follower of Jinnah and was at one time whip to that party in the Central Assembly, had placed themselves in determined opposition to the Ministry throughout the Session until this recent rapprochement. The corollary to this which occurs to most minds is that one, if not two, of the lesser lights of the Ministry will be prevailed upon to retire and give place to members of Abdul Matin's group. This should undoubtedly strengthen the Ministry. Other consequences I am not at present prepared to forecast.

I think I mentioned to Your Excellency during your visit that some difficulty had arisen with the Maharaja of Manipur arising out of, on the one hand, his rather bigoted Hindu convictions, and on the other, the British responsibility for the good government of the hill area of his State, the immediate point being a Resolution of the Durbar designed to forbid the killing of cows in the hills. I am glad to say that after a great deal of discussion the Maharaja has expressed himself as satisfied with a "formula" which I suggested to him and I very much hope that we shall hear no more about it. He has also recently shown some signs of being willing to be reconciled to his eldest son for whom up to now he has evinced the greatest dislike and who has been exiled from his State for a matter of four years. The son is in Shillong at present, but I have not been able to see him.

Disquieting reports have recently come in of unrest in the south-western portion of the Naga Hills district and the neighbouring areas in North Cachar and Manipur State, among the Kacha Nagas. Such unrest centering round individuals who have claimed to be the embodiment of

a Naga Messiah, has troubled the administration ever since 1930-31. At that time one Jadunaug, proclaimed himself as such a King, his aims being first to exterminate the Kukis, and secondly, to get rid of the British control. He was hanged in Manipur for murder in 1931, but one of his disciples, a woman called Gaidiliu¹ carried on the agitation in 1932 until she was eventually captured in October of that year and sentenced to transportation for life. She is serving her sentence still in Shillong Jail. But even with Jadunaug and Gaidiliu physically out of the way, the unrest has never really died down, and there have been clear symptoms of its existence during all the intervening years. The worst outrage occurred in December 1932, when the whole of the family of a Kuki chaukidar including his wife and children together with two men who happened to be in house were murdered and the place burnt. One of the men concerned, one Dikeo, is still "wanted". He was arrested in November 1934, but unfortunately escaped from custody. Arrangements have been made to depute a police officer in the near future with the sole object of arresting him and if he is successful, this ought to go far to allay the agitation; for the chances are that it is this man, Dikeo, who is regarded at the moment as successor in office, so to speak, of Gaidiliu and Jadunaug. Beyond that at the moment there is nothing to be done but to maintain vigilance. A peculiar feature of this agitation is that when the Nagas are performing ceremonies in honour of Gaidiliu, though of course she is not there, they apparently firmly believe that she is and behave accordingly. The name of Gandhi also is apparently frequently heard, though the Nagas doubtless have no idea who he is....

Yours sincerely,
R.N. REID

¹ Rani Gaidiliu, a 19 year old Naga girl, defied British authorities in a tribal movement in 1932 and was sentenced to transportation for life. Her heroic struggle and suffering invoked Nehru to call her "the John of Arc" of the Kabui.

447

*Cunningham to Linlithgow on Situation in NWFP and Formation of Congress Ministry**Linlithgow Papers*

6 September 1937

The Provincial Assembly met on September 1st, and on September 3rd a vote of lack of confidence in Sir Abdul Qaiyum's Ministry was passed by 27 votes to 22. For some time it had been a foregone conclusion that the opposition would have at least a majority of 25 (19 Congress, 4 Hazara Muslims or "Democrats", and 2 Independents) to 24. Two Hindus deserted the Ministerialist Party during the last day or two. Apart from Dr. Khan Sahib (the mover) and Sir Abdul Qaiyum, no one spoke on the motion. The speeches were restrained in tone, and there was no unpleasantness and little excitement. In spite of all that has been said against Sir Abdul Qaiyum in various quarters, there is no doubt that the majority of politically-minded people in this Province look upon him as their natural leader. There is irony in the fact that many Khans and big land-holders—who have as a class been his sworn enemies in the past—are now clinging to him as their best bulwark against domination by a Hindu Congress.

2. On the morning of September 4th, I invited Dr. Khan Sahib, as leader of the 19 Congressmen, to form a Ministry. He asked for two days' grace before giving a definite reply. I believe that he was waiting for orders from the Congress Centre. On September 6th, he accepted my invitation to form a Government, his Ministry being composed of 3 Congress Members and 1 Hazara Muslim. The 2 Independents are, therefore, not represented, but Dr. Khan Sahib seems to be sure of their support.

3. Until last week Dr. Khan Sahib had never visited a Governor or, indeed, any high official, for a good many years. So far I find him extremely pleasant to deal with and without any trace of the bitterness which he has seemed to betray in some of his public speeches. He is, I think, slightly self-conscious as to his past. So far as I can judge, he will not be a difficult man to work with, at any rate if he is allowed to follow his own inclinations and is not over-borne by the discipline of the Central Congress. He is ready, I think, to take a reasonable and practical view as regards the pending budget, accepting in the main the estimates framed by the late Ministry and making as few changes as possible. He guarantees to get his budget through the Assembly by September 28th.

On the subject of Waziristan,¹ he said that he felt sure some of the kidnapping cases during recent months had been assisted, or at any rate winked at, by some of our Khans and Lambardars on this side of the border. I asked him what he thought we ought to do with them, and he said: "Throw them all into jail".

I told him that I considered the wearing of uniforms by political organisations one of the most dangerous aspects of modern society, and urged him to get his "Khudai Khidmatgars"² to give up this practice. He would give no undertaking on this point, but said that the chief item of his policy in the near future would be to encourage his followers to assist the police, both in preventing crime and in maintaining Law and Order. I was not quite certain whether he was hinting that he meant that he would try to set up some kind of private parallel force to assist the police, and I let the subject pass.

I also told him that I thought there was great danger in a private bill, of which notice has been given by one of his supporters, to repeal certain parts of the Penal and Criminal Procedure Codes, *e.g.*, Section 124-A, Indian Penal Code Section 108, Criminal Procedure Code, and part of Section 144, Criminal Procedure Code, as well as other measures of a so-called "repressive" character. He appeared to agree with this view, and I hope that the bill will be dropped.

Nothing of definite importance emerged from our discussions, which I have so far kept on general lines, but the instances I have quoted make me optimistic as to Dr. Khan Sahib's attitude.

4. I mentioned in paragraph 3 of my report No. 9 of 23rd August that I thought Sir Abdul Qaiyum was contemplating an organisation of Muslims on communal lines as the only means of opposing the Congress Party. There are now further indications of a movement of this kind. The Khaksar³ organisation—purely Muslim—is being galvanised to greater activity; local meetings have been held in support of the Muslim League—particularly at Abbottabad, where a speaker referred to Abdul Ghaffar Khan as a "Kafir"; anti-Congress propaganda is still being spread by Mullahs in Peshawar District. I have also noticed that one or

¹ The frontier tribesmen of Waziristan, under the leadership of the Fakir of Ipi occasionally abducted women or merchants from the neighbouring towns in the North-West Frontier Province. Their activities were curbed with the help of military forces. Though their victims were mostly non-Muslims, they defied British authority for a number of years.

² Khudai Khidmatgars were followers of Khan Abdul Ghaffar Khan, brother of Dr. Khan Saheb and close associate of Gandhi. Organised on non-violence lines to secure social justice and political independence, they took part in civil disobedience movement and supported the Indian National Congress.

³ Khaksars were members of a volunteer Corps organisation, started by Inayatullah Khan (Allama) Mashriqui, originally to fight for national independence but later on deflected in favour of Muslim League when Muslim cleavage became too strong.

two Khans have recently spoken with favour of the Khaksar Movement, which previously was anathema to them. There seem, therefore, to be the elements of a dangerous clash between opposing political armies, and the progress of this Muslim combine will have to be carefully watched.

5. The return of Abdul Ghaffar Khan to this Province on September 26th was made the occasion of big demonstrations in his honour. But, on the whole, the excitement is less than most people had anticipated. His speeches, since his return, have been moderate and sensible; I doubt, therefore, if he has any revolutionary intentions for the present at any rate. A few Red shirts uniforms have been seen at these demonstrations This was to be expected at the outset, and we cannot do more at present than await events.

6. I mentioned in my last report that I had written to Mr. Gandhi informing him that there was no objection to his visiting the North-West Frontier, but that he must leave tribal affairs severely alone. I have had a reply from him in which he professes to have misunderstood His Excellency the Viceroy's meaning, when he said that Mr. Gandhi must not interfere in any way in tribal matters, and he says that he had taken this to imply simply that he must not cross the border. Mr. Gandhi also attempted in his letter to get me to define exactly what I meant by "leaving tribal affairs severely alone." I thought it better to avoid being pinned down to any definite formula, and to put the onus on him of deciding what he could do or say if he visits the Frontier. As he cannot talk Pashtu, I do not think he is likely to come into any close contact with tribesmen. In the meantime, the idea of a Political Conference, which I mentioned in paragraph 6 of my last report, seems to have been lost in the general political excitement of the last week.

7. I have been surprised at the extent of criticism levelled, not only in the Press but by well-disposed Muslims of the Province, against the terms which have been announced to the tribes of Waziristan. The announcement seems to have been misinterpreted as meaning that we intend to subdue the tribes entirely, take land revenue from them, and gradually extend the regular law over the country. The phrase which appears to have alarmed them is that "the Government will assume responsibility for protected areas and will exercise jurisdiction". I think that many people look on the terms as a preliminary stage towards disarmament, which has recently been so freely canvassed in the Press and elsewhere. The critics will no doubt shortly find that their fears are exaggerated, but it is interesting to see what the attitude of such people would be towards anything like an extreme forward policy.

448

*Haig to Linlithgow on the Increase of Communist and Terrorist Influence in Kanpur**Linlithgow Papers*

6 September 1937

MY DEAR LORD LINLITHGOW,

The business of the Government has been considerably hampered during the fortnight by the unfortunate illness of the Premier. After a very heavy time preparing the budget, he went to Nainital for a few days and immediately on his return went down with a troublesome boil which eventually had to be cut out. Since the operation his health has improved, but he is still confined to bed and has had to be relieved of a good deal of his work. He proposes, however, to come to the Assembly today for his budget speech. As I have explained before, the Ministry is very much dependent on the Premier, and his illness just at the time the legislature is meeting and when in addition some very difficult administrative problems have arisen, was unfortunate. I hope however he will be about again in a few days. I have myself seen him once, but I have been anxious not to trouble him unnecessarily.

2. The Assembly met on the 2nd September and the Legislative Council on the 3rd. The budget is being introduced on the 6th. I have decided to address the Houses jointly on the 9th. My proposal to do this was welcomed by the Premier. I granted an interview recently to the Speaker, Babu Purshotam Das Tandon, who has the reputation of belonging to the more extreme wing of the Congress. His attitude in conversation was very friendly and reasonable, and he seemed quite pleased at the idea that I should be addressing the Assembly.

3. In general the fortnight has been a troublesome one, and I feel we have reached a somewhat new phase. The various problems arising out of relations with the Ministers and their specific policies have been less prominent, while what is coming to the front is really the general conditions in the Province. When I received Your Excellency's letter of 28th August, commenting on my last fortnightly report, I feared that you might be interpreting it in a more sanguine spirit than it was meant to convey. I thought it necessary to send you at once a letter, dated August 30th, which showed how in many respects the general situation was becoming more disquieting. That letter may be regarded as an intermediate report, and I am sending a copy of it to the Secretary of State.

4. The first and most serious turn for the worse in the situation arose from the demonstrations with which the release of the Kakori prisoners were greeted. These demonstrations were undoubtedly organised by the left wing of the Congress in spite of the strong opposition of Pant. While nothing much was done at Allahabad, where the prisoners were released, at Cawnpore a procession of an openly revolutionary character was organised, in the course of which terrorists were held up to public admiration. I attach a copy of a letter from the District Magistrate, describing this procession. The next day the Cawnpore Municipal Board gave an address of welcome to the prisoners. The Ministers were quite prepared to veto expenditure on this, but when the matter was enquired into it was found that by orders passed some five or six years ago no sanction of Government was required for expenditure on addresses provided it did not exceed a certain amount. In any case nothing could have been done to prevent the Municipal Board presenting an address and the members themselves financing such small expenditure as was required. The next day the prisoners came to Lucknow and were again taken in a very large and impressive procession, though I gather without the extremely objectionable features which characterised that at Cawnpore. They were throughout treated as heroes and patriots. Various utterances by them at Cawnpore and Lucknow implying a belief in terrorism were reported in the *Pioneer*, which dealt with them in a very effective and vigorous leading article. The ex-prisoners subsequently put out statements saying that they had been misrepresented and that they did not in fact believe in terrorism. These disclaimers did something to diminish the impression created by the reported speeches, but I have little doubt that these incidents as a whole have stimulated revolutionary feeling, even if they are not likely to contribute to any recrudescence of acts of violence.

5. Whether the prisoners themselves have been altogether willing agents it is difficult to say. They were undoubtedly seized upon as soon as they came out of jail and were made into heroes whether they wished to be or not. Pant suggests they are not really anxious to risk being brought into conflict with the police again. But I fear they must be regarded as definite revolutionaries and it is not likely that the left wing will leave them alone, or will fail to try and make use of them in connection with the revolutionary communist programme. The most disappointing thing is that Pant was clearly unable to control the left wing, and as his method of approach to all problems of this kind is to use personal influence rather than exercise the authority of the law, this suggests certain doubts about future developments. As I have already explained separately to Your Excellency, I feel it is important for the present not to consider any further releases, and this view I have made

clear to Pant. But we have not yet got to grips on the subject owing to his illness.

6. The second important problem is the state of Cawnpore. I felt it desirable, as soon as possible after my return from Nainital, to go over to Cawnpore myself so as to be able to acquire some first-hand impressions of the situation. I visited Cawnpore on the 27th August and interviewed, besides the Collector and the Superintendent of Police, three representatives of the mill-owners, three of the Mazdur Sabha, the Labour Officer and the Officer Commanding the station. The mill-owners seemed convinced that a strike cannot in the end be avoided. They declared that Mazdur Sabha is almost wholly under the control of the communist wing and that they have promised the labourers an increase in wages, whereas the mill-owners are persuaded that they have an overwhelming case against any increase in wages and that in any event they cannot afford to raise wages. The wage issue is really the big question that must come up for decision as a result of the Committee's enquiry, and they think that in the present temper of the workers and of the Mazdur Sabha there can be no settlement on this point. They seem quite prepared to fight it out. If it comes to a strike, there is almost bound to be violence and it will be necessary to take very firm action.

7. The representatives of the Mazdur Sabha whom I saw professed to be very moderate. They said that at present the main issues in the mills were centred round "victimisation", and did not talk a great deal about wages, though it is clear that this is the real ultimate issue. The mill-owners on the contrary stressed the serious state of indiscipline, and it was evident that there was a considerable degree of friction in the working of the mills. It was hoped that there might not be an actual strike as long as the enquiry committee was sitting, which might cover a period of two months. The Collector attributes the trouble in the mills almost entirely to communist elements who, in his opinion, are the people who really count in the Mazdur Sabha, and not the comparatively moderate people who pretend to be at the top. The circular letter, to which I referred in my last report, was perfectly genuine and was issued by Muhammad Yusuf, a notorious communist who is joint secretary of the Sabha and seems to exercise far more influence than the nominal heads of the Sabha. Since then the friction in certain mills has developed into definite strikes, and at the moment it is uncertain whether the situation will remain in an unstable condition during the period the committee are engaged on their enquiry, or whether through some irresponsible action a general strike will be precipitated earlier. Sporadic violence has also developed against mill workers, and it has been necessary to issue an order under Section 144.

8. A further complication in Cawnpore, in addition to the industrial

unrest and the excitement about the Kakori demonstrations, is provided by Muslim demonstrations to protest against the Palestine Policy. At these some speeches of an exceedingly violent and provocative character were made, and the District Magistrate proceeded to arrest two of the worst speakers and institute proceedings against them under Section 107. Subsequent events were somewhat unfortunate. The day before the opening meeting of the Assembly it was announced that the Muslims were going to move an adjournment motion to protest against these arrests. I got into communication at once with Pant in order to impress upon him the necessity of upholding the action of the District Magistrate. I found that he was quite prepared to do this; but in the meantime it turned out that the two men had already been released. One of the Parliamentary Secretaries to the Premier, a Muslim, had gone a few days before to Cawnpore and had urged the District Magistrate to release these men. The District Magistrate evidently understood that this was a message from the Premier, and on certain assurances being given that the men would not offend again, he agreed to release them. As a matter of fact the Premier knew nothing about this and was as little disposed as I was to approve it. One of the men since his release has proceeded to make another violent and defiant speech. The District Magistrate wrote that he could not take action for the preservation of peace if what he did was not going to be upheld by the Government. The whole affair has been an unfortunate series of misunderstandings, but it has now been made quite clear to the District Magistrate that he is authorised to take what action the situation demands for the preservation of order and that he will be supported. In fact the latest Palestine Day demonstrations in Cawnpore appear to have fizzled out.

9. In Lucknow also the demonstration in connection with Palestine Day assumed a somewhat formidable character. This was I am afraid largely due to lack of foresight by the police. A large and turbulent procession was allowed to parade some of the principal streets with no control. This matter was taken up at once and it has been made clear to the local authorities that they must exercise proper control over such processions. When a day or two ago the second Palestine Day procession was held under strict control, it created very little impression and was I am told a definite failure. The violent spirit of the first Palestine Day demonstrations both in Cawnpore and Lucknow was somewhat of a surprise. But whatever the precise cause—and it would seem as if the Ahrars were trying to outbid the Congress in extremism—the assertion of authority seems to be having a restraining effect, and it does not at the moment look to me as if the Palestine agitation will continue to be very formidable.

10. Another set of activities which will require serious attention in

this Province is undoubtedly communism. The new Ministry could not be persuaded that there was any danger in communism and a number of communist agitators and agents of some importance were released. The labour unrest in Cawnpore is certainly the direct result of this policy, and it is communist influence that is at the moment making all chances of a settlement exceedingly remote. I think the Premier is now beginning to realise this, and I keep on pressing upon him the dangers of ignoring communist activities. As you will see the position as between me and the Premier has to some extent changed. Hitherto he has been pressing certain policies on me and I have been counselling delay and caution. Now the situation in many respects has developed to such an extent that I find it necessary to press certain action on him. So far he has shown himself not unreasonable. But as I said in my letter of August 30th, it remains to be seen whether the Cabinet will, in view of the left wing pressure on them and their own liberal theories of how the Government should be conducted, be able to keep control over the Province.

11. With regard to the agrarian situation, the zamindars are becoming more and more emphatic in their protests against the action taken by the Ministry in suspending further proceedings in suits for arrears of rent. The attack on the legality of the orders has, I am glad to say, produced a real impression and the Cabinet have gone so far as to draft a Bill which would give effect to their executive orders in regard to proceedings in revenue courts, as well as a Bill which they had always been meaning to introduce dealing with proceedings in civil courts. I understand it is their intention to introduce the Bill dealing with revenue courts in a few days. With regard to the practical situation there is no doubt that the collection of rents is at a standstill. But it must be remembered that this is the season when very little rent collecting normally goes on. The greater part of the *Rabi* rents have been collected already. The real test will come when the *Kharif* rents have to be paid. In the meantime the zamindars will maintain their pressure on the Government, and having really a strong case will very likely be able to secure some modification, particularly as the Cabinet themselves are definitely alarmed at the possibility of any widespread refusal to pay rents. The difficulty is that Congressmen, or those posing as such, are still going about in the villages declaring that rents are not to be paid, and the official organisation seems to have only inadequate control over these local firebrands.

12 With regard to the position of the Services, I am hoping, in spite of the rather gloomy views stated in my letter of August 30th, that the situation will gradually right itself. Certain instructions which the Inspector-General of Police wishes to issue to Superintendents of Police, intended to clear up the position and reassure the police force, are at present under consideration, and I hope will be agreed upon shortly. In

general I am inclined to hope that things will gradually settle down. When particular instances of misbehaviour by Congress organisations or individuals are brought to the notice of the Premier, he takes action to call the offenders to account. I visited Rae Bareilly last week, a district which has in the past been one of the strongholds of Congress agrarian agitation, and I found that officials there were in quite good heart and not unduly disturbed about conditions.

Yours sincerely,
H.G. HAIG

ENCLOSURE

Copy of a confidential demi-official letter from the Collector, Cawnpore, to the Commissioner Allahabad Division, No. 402, dated 27th August 1937.

I write to you on the subject of the reception given to the Kakori dacoits yesterday. A procession was formed at the Central Dharamshala at about 2 p.m. and consisted of about 8,000 persons. It was headed by a number of Congress flags and red flags with the hammer and sickle. Apart from these about 25 notices were held up with various revolutionary and labour slogans such as "Long live the Revolution", "Down with the Union Jack", "Down with the British Government", "Government ka nash ho" and so forth. In Harbans Mohal Bakht Narain, Vakil, had constructed a jail cage in which a boy was placed grinding grain while a servant of the Vakil took the part of the jail warder threatening him with a whip. On the arrival of the procession, Dr. Murarilal opened the gate of the cage and ordered the warder to let the prisoner free. In Generalganj a poster was exposed with pictures of the Kakori prisoners aiming revolvers at the guard. At the Swadeshi Calcutta Store a scaffold had been erected on which Raj Guru, Sukhdeo and Bhagat Singh were shown hanging with a magistrate directing the executioner. At the gate of Lathi Mohal the life-size painting of Chandra Shekhar Azad was exhibited. In Naryal Bazar a painting of the Rani of Jhansi riding on a horse directing with her sword assailing of the British was exhibited. In Thathrai a painting was exhibited in which Gandhi was offered a bomb by the revolutionaries, but he was declining to receive this.

At the place where the picture of Chandra Shekhar Azad was shown, *puja* was done by the released prisoners and by the crowd.

A meeting was held at the Parade ground when the released prisoners were extolled as patriots of the highest order.

This procession was, I regret to say, organised by members of the Congress party in Cawnpore. I repeat my regret at the incident as, there can be not the slightest doubt that it was revolutionary in character and intended to inflame the minds of the people against Europeans in this country and to extol as patriots men who had been hanged for murder.

449

*Viceroy to Secretary of State on Behaviour of Government Servants Towards
Congress Flag and "Bande Mataram"*

Erskine Papers

7 September 1937

No. 1034-G. Please see my telegram of 16th August to Governors, No. 911-G., enclosed in Laithwaite's letter to Hood of 16th August. Flying of Congress Flag and singing of "Bande Mataram".

2. You will by now have had from me replies of all Provinces except Bengal which I send by next air mail. As you will see, the position which emerges is as follows:

(a) There is general endorsement of principle suggested in my circular telegram on both points.

(b) Suggestion has been made by various Governors that if a Government servant finds himself in a position in which the reminder of the audience are standing from respect to the Congress Flag or during singing of "Bande Mataram", he should as a matter of courtesy do the same; but that he should in no circumstances salute the Congress Flag, nor would it be proper for, e.g., the police to present arms to the Congress Flag, though they might without objection stand to attention on occasions on which their superiors stood up, and that he should proceed on basis that both flag and song are party and not national in character.

(c) That it would be desirable that a Government servant outside politics should avoid ceremonies at which song is going to be sung or flag formally hoisted, and that when he has to attend ceremonies at which there is any likelihood of this happening, he should take such steps as he discreetly and tactfully can to ascertain before-hand the position in regard to the singing of song or saluting of flag.

3. I entirely agree with suggestions made by Governors on these points as described above. The only other question for consideration is line to be taken in regard to issue of any orders on this matter. I think clearly the right course would be to refrain from issuing any formal orders, but to ask Governors to take steps through Chief Secretaries, Commissioners, and District Officers, to let it be known what the general attitude of Government servants should be in the matter.

4. Position is of course different in Congress and non-Congress Provinces, and as I see it, issue is likely to arise actively only in the

former. This is directly relevant to the attitude of Bengal where of course "Bande Mataram" has a history of its own, and where Anderson is of opinion that it would be extremely difficult to urge that respect should be shown to the flag or to the song on the ground of courtesy so long as Congress represents these symbols as national, though once such claim were abandoned, he would see no difficulty in Government servants standing up as a matter of courtesy. He emphasizes that in Bengal Muhammadans strongly resent claim that either flag or song is national, and refers to vehement feeling recently roused by adoption of "Shri" and "Lotus" emblems on banner of Calcutta University.¹ I of course fully appreciate his position, and readily recognize that it is one of which fullest account must be taken.

5. If as I trust you are in general agreement with original proposals suggested to Governors by me as modified by adoption of suggestions in paragraph 2 above, I would propose so to inform all Governors, adding in the case of non-Congress Governors that issue is presumably unlikely to arise in any active form in their provinces, but that, to enable them to direct their course in the event of the issue arising, I am communicating to them the suggestions which I have put to the Governors of Congress Provinces. This will cover the case of Bengal.

¹ The issue of emblems on the banner of Calcutta University was discussed in a heated debate in the Assembly on 26 August 1937

450

Bhulabhai Desai's Interview With Viceroy Regarding Political Situation

Bhulabhai Desai Papers

7 September 1937

"MY INTERVIEW WITH THE VICEROY ON 7 SEP. 1937"

BY BHULABHAI DESAI

On a letter being received by me from the Private Secretary to the Viceroy desiring that I should go and see him, I met him last Tuesday in the evening. I had enquired from the Private Secretary whether there was any specific subject on which he wanted an exchange of views, but I was informed that he wished to have a general discussion.

At the outset, he made anxious enquiries about Gandhiji's health and it was clear that it was not a formal enquiry as it happens in case of

formal interviews about His or Her Highness's health; but he felt genuinely concerned about the turn of Gandhiji's health. He said what undoubtedly is otherwise accepted that he was interested in Gandhiji as the leader of India, but even more so as a man of truth.

Without intending to set down the order in which the discussion took place, the first subject in order of importance was the one whether democratic government would succeed in this country. I pointed out to him that while it was true that personal rule had gone on for sometime in this country, it was more a substitute for a strong central government and took its place rather than a personal autocratic rule; but at the same time the village communities governed themselves and managed their own affairs subject to occasional intervention and, of course, acquiring protection from the central authority as against outside aggression.

Even the vicious caste system had a predominant element of democracy as the vote of the majority prevailed and the sanction behind their decisions was the opinion of the majority.

I pointed out to him that in view of the changed conditions of the world, and particularly India, we could replace British rule by the rule of democracy and that we have decided upon it as a conscious measure and objective of political advance.

We next turned to the present Act of 1935 and to the question of Federation. I pointed out to him that it practically nullified even a small measure of responsible government in the Provinces and that as those who lead the democratic party would have very limited scope for measures of public good or advancement and that as even in that limited sphere the Princes' representatives were bound to be a serious obstacle, we were rightly opposed to the Federation as contemplated. The only thing he the Viceroy had to say in favour of the Federation was that it would be an act of kindness, if not duty, towards the subjects of the Indian states to have Federation, because it was the only way by which the personal autocratic rule would, without much effort and loss of time, be replaced by better conditions in the States.

I next asked him to remember the obligation of the Centre to the Provinces where ministries had begun to function, particularly the obligation as regards contribution to the Provinces from the Central Revenues. I called his attention to the fact that the army maintained in India—it is now admitted except in so many words—is being maintained for imperial purposes and while it is not yet replaced by a purely Indian army it was the obligation of Britain to make contribution to the extent to which we claimed during the discussion of the resolution in the Assembly—say, some ten to fifteen crores of rupees annually. But to this no satisfactory answer was forthcoming as it could be easily side-tracked by referring to the present delicate conditions both in the East and West,

but otherwise he appeared to be anxious to fix the contributions according to the needs of the provinces. While he was cautious to point out that he would consider the needs, he appeared to me to have conveyed to me the belief that in some provinces monies might be devoted and spent—not for the essential good of the villager but more with a view to attract his support politically. To such measures he appeared to be opposed. He had, however, to admit after some discussions that it was politically right for a party to consolidate its position while in power by measures which appealed to the public—who were the arbiters in future elections.

He seemed to be not merely reconciled but happy at the idea that the Congress was getting more and more provinces under its wing and influence, inside and outside the legislatures.

I impressed upon him the need to see that in as much as we were not only not anxious to have the Federation coming but were actually opposed to it, that any undue sacrifice imposed upon the eleven British-Indian Provinces—which were the principal units in the Federation—to induce the Princes to come into the Federation was uncalled for. I explained to him my attitude towards the Federation as a form of central authority by reasons of the extent of the country and for political and geographical reasons, but the best way to begin was not the kind of Federation sought to be now introduced, but a Federation of British-Indian provinces with an enabling clause for the States to come in, as and when the present federating units considered it to their mutual advantage and in the meantime all subjects touching India at large could still be handled and settled in the way in which the Crown through the Governor-General was managing the same.

He finally told me that he understood that without continuous pressure on our part, it was difficult to move the Britisher to revise the present constitution and he appreciated our efforts in that behalf, at least from our point of view.

I pointed out to him that our joining the legislature in the Centre had not produced any direct concrete result so far as the present Government was concerned, either in the field of legislative enactments or executive measures. I also pointed out to him that this form of consulting the people had been tried long enough and was no longer pleasing or deceiving the people. Of course, we had our own objective in remaining in the Central Legislature, namely; to cultivate public opinion by educating them with our views on every question and to bring home to them to the extent to which conviction was necessary that without replacing the present form of Government it was not possible to do any substantial good.

451

*Anderson to Linlithgow About Release of Andaman Political Prisoners
(Extract)*

Linlithgow Papers

7 September 1937

MY DEAR GOVERNOR-GENERAL,

The most critical events of the last fortnight of August have, of course, been those connected with the Andamans hunger-strike; but there have been so many other preoccupations during the last few days that the strain and difficulties of that period are already fading from our minds and require some efforts to recall. This letter would not be complete, however, without a brief resume of the situation based on the original papers. When I wrote to you last fortnight the situation was very much in the balance and no body could foresee whether the more hopeful factors that I referred to in my letter would develop in influence or whether the situation would suddenly deteriorate. The Chief Minister's appeal to Heads of colleges at a meeting before the students convention fixed for the 19th had some effect: there was no procession and no disturbance, and though occasion was taken to emphasize the need of students playing an active part in politics, nothing happened to cause any immediate deterioration of the situation. The Ministry, however, though sticking to their policy were clearly subjected to great pressure of both a personal and a public nature, and the unfortunate reactions of Mr. Mudie's statement in the Assembly on the 25th of August shook them very badly, as it appeared that the whole onus had been thrown on Bengal Ministers; the Chief Minister on the 26th expressed a desire to send a telegram at once to the Andamans to the effect that the Government of Bengal were ready to consider repatriation provided the strike was given up. The situation was saved by the Government of India's communique issued the same day, thanks to your assistance, and the Home Minister stood up boldly to attempts to entangle him in an embarrassing position by concentrated cross questioning in the Assembly.

The intensity of feeling was demonstrated on the 27th when the Congress party walked out on a false report of a death, but Ministers still hung on inspite of being under great strain: by Sunday the 29th I had written to you so as to be prepared against an eventuality in which they might no longer be able to support the burden. On the same day came the news of the termination of the strike which was received with an overwhelming sense of relief.

On the next day, Monday 30th, the Chief Minister and the Home Minister received an ovation from their own supporters on entering the House rather to the discomfiture of the Opposition who could neither enjoy it nor take it with a bad grace. The nationalist Press has of course redoubled its demand for repatriation and even release, but Ministers have adhered to their policy and the statement of the Home Minister of the 31st August was to the effect that they would proceed to give effect to the policy already announced and would lose no time in convening a meeting of party leaders with whom to discuss the question of repatriation. The discussion, he said, would give them an opportunity of explaining the practical problems and they would have the benefit of the advice and the views of representatives of the various shades of public opinion. He also reiterated the assurance that when the session was over the Home Department would take up the whole question of classification of prisoners—a matter which, as previously explained had been marked for examination independently of the hunger-strike.

To carry this account a little more upto date than the end of August, I should mention a telegram received on the 1st of September from Mr. Gandhi to the Chief Minister, of which I append a copy. The Chief Minister was for replying that the matter was under consideration, sublimely ignoring the fact that Gandhi had asked for unconditional release of Andamans prisoners. But wiser counsels prevailed and a reply, of which also I append a copy, was sent on 3rd of September. It maintains precisely the same position as had previously been adopted and Gandhi has not so far pursued the matter.

Of course, we have not seen the last of this agitation and though the Ministry have not been shifted from their previous attitude of placing the Andamans prisoners after the Deoli detenus in order of consideration, the problems of jail accomodation in Bengal are under examination. . . .

Though prepared against the worst we have managed to get through without any breakdown of constitutional machinery, and the result in Bengal is, I am sure, a great strengthening of the prestige of the forces of law and order. This does not mean that we are free of troubles to come. The comparative ease with which it is possible to rouse and organise students and the contacts that the left wing extremists have thus secured are factors that cannot be ignored. It remains to be seen whether Congress in Bengal will be able to keep this movement alive by provoking or exploiting the necessary succession of incidents and, if so, whether the left wing will remain amenable to their control. For I have it from other than official sources that it is the active extremists who can really make mischief among the students now and that the number of such extremists is limited. On the other hand, there is no doubt that a continuance of student ferment coupled with a few incidents to add the spice of personal vendetta would

bring about a real danger of recrudescence of terrorism, in the light of which the Bengal policy regarding release of detenus might have to be reconsidered. Of course any such agitation is at present likely to be strongest in Calcutta, but I quote verbatim an appreciation of the situation contained in the report of a Commissioner of Dacca—an officer of liberal views and balanced judgement:

“From the reports summarised above it will be seen that the hunger strike in the Andamans and similar political questions have not aroused any genuine or widespread interest as yet and my own impression is that the ‘indignation’ is extremely artificial. These matters do, however, provide very promising material for the ill-disposed persons to work up an agitation which may have very serious effects.

As far as I can see at present, students and school boys in this division are generally well behaved and orderly and are content to devote themselves to the ordinary activities of college and school life, but the Congress politician is bent on arousing them from their ‘pathetic contentment’ and on ruining their lives as they succeeded in doing to the previous generation. The campaign may be restricted almost entirely to Calcutta at the moment, but once the minds of the students there are inflamed, the reaction must be felt in the mofussil district also. They cannot but be influenced by the attitude of the Vice-Chancellor of the Calcutta University, by the inflammatory utterances of ‘responsible’ politicians in the Legislature and of other on the public platform, by the doctrine of hatred systematically preached with increasing freedom by a certain section of the press and by the direct appeals to and exploitation of the student community.

If the instigators of the campaign should succeed in what is presumably their immediate object the defeat of the present Ministry—the effect of this on the relations between the two communities will be most serious and the district authorities will be faced with the distasteful task of protecting the community whose self-constituted leaders will have deliberately created the situation from the result of their machinations.”

Yours sincerely,
JOHN ANDERSON

(ENCLOSURE)

Copy of telegram from Mr. Gandhi to Chief Minister, Bengal

In view Andamans prisoners unequivocal disbelief terrorist methods and cessation strike I venture ask immediate unconditional release all Bengal Andamans prisoners.

(ENCLOSURE)

Copy of reply from Chief Minister, Bengal, to Mr. Gandhi

I have placed your telegram of 1st September before my colleague who share with me responsibility for the Government of Bengal. We would all be very glad to be convinced that the convicts and other prisoners held in detention on account of activities connected with the terrorist movement could be released unconditionally without entailing a substantial risk of the early recrudescence of organised violence in Bengal. We hope earnestly that you and those associated with you may be able to contribute greatly towards bringing about conditions which would warrant such a conclusion. For the present, however, we regret that we are unable, having due regard to our knowledge of existing local conditions and to the grave responsibilities that rest upon us, to act upon so optimistic a view of the future. As fully explained by the Home Minister in the Legislature, our policy aims at progressive amelioration and we intend to be guided by results. We are taking up at once as already promised discussion with leaders in Legislature of question of repatriation.

452

Linlithgow to Zetland on the Effect on Bengal Government of the Return of Andaman Prisoners (Extract)

Zetland Papers

*Viceregal Lodge, Simla
9 September 1937*

3. The Andamans situation have definitely very greatly eased. There are still these seven or eight hunger-strikers, but public attention has very largely diverted from them, and I get the impression that the temperature in Bengal is much lower than it has been a long time past. Fazlul Haq is I gather discussing with representatives of his legislature the position in regard to repatriation, while his Ministry have also made it clear that this whole question of jail accommodation in Bengal is being gone into. This should be a sufficient earnest to those who wish to be convinced of the readiness of the Government of Bengal to apply themselves, within such limits which they properly and safely can, to the problem of the return of these prisoners, or some of them, to Bengal, and I trust that its effect will be to the good. I have felt very

apprehensive all through the later stages of this Andamans discussion that we were confronted with an endeavour to mobilize a Hindu mass attack against the Muslim Government in Bengal, and the recent discussion in my Council leave me with the feeling that they share that impression. The whole position has got a very definite interest of its own as a typical example of the growing signs of the refusal of minorities to accept majority rule—a phase so well known in the Orient.

453

*Linlithgow to Zetland on His Contact With Leaders of Political Groups
Including Muslim League and Congress (Extract)*

Zetland Papers

9 September 1937

14. . . . I mentioned in paragraph 2 of my letter of 26th August¹ that I contemplated inviting the leaders of various groups, including Congress, to come for a talk. I accordingly issued invitation to Jinnah and Muhammad Yakub for the Muslims, Bhulabhai Desai and Satyamurti for the Congress, Hudson, Chapman, Mortimer, and Buss representing the Europeans, Cowasjee Jehangir, and Harmusji Mody [for Paris]. Bhulabhai Desai (partly, possible because he wanted to make a prior reference to Wardha) coqueted for some time on the telephone on the matter of his name appearing in the Court Circular before fully giving way on the point and accepting my invitation. Satyamurti accepted at once and I understand gave it to be understood in Congress circles that he proposed to accept my invitation whatever Wardha—or the Party—might say. No difficulty arose with the others, and I send with these a copy of the note of my talk with Bhulabhai. My talk with Jinnah covered a good deal of ground. I do not quite frankly feel any deep confidence in him, and I suspect he is one of those political leaders who can play a personal hand but no other, and whose permanent control on the allegiance of their followers is frequently open to question. He took very strongly the line that we did not pay sufficient attention to the Muslims; that there was a real risk of the Muslims being driven into the arms of the Congress; and that if we are to remedy the situation, it is essential that more care should be taken in dealing with them both in and outside the legislature. So far

as the legislature goes I think there is a certain amount of foundation for what he says. The Front Bench, manned as it is by very capable people without any parliamentary experience, has not always in the past I suspect turned these minority Groups to as much advantage as was possible; and I am at the moment going into the whole question of whipping all liasion arrangements. On the matter of Federation Jinnah took very much the same line as Bhulabhai was subsequently to do:—in other words, he contemplated in the first instance (though the further I probed his ideas the more nebulous they tended to become) a Federation of British India to which States would be admitted on terms according as they produced representatives elected on the basis of wide Franchise and popular institutions. He was inclined to complain and indeed with some bitterness that I had been ill-advised to see the Mahatma, and that by doing so I had greatly strengthened the Congress stock and correspondingly set back the prospects of the Muslims; and he suggested that the interview was largely responsible for lifting the ban on Abdul Ghaffar's return to the Frontier Province and for the fall of the Abdul Qaiyum Ministry, suggestions I need not say have no foundation. I thought the right course was to let Jinnah talk, and I did so; and there was very little necessity for any comment by myself. But it was valuable to hear his views and is equally valuable to have had this opportunity of talking matter over with Bhulabhai. I look forward with a good deal of interest to seeing Satyamurti, who is due to come here tonight; and now that the general gap between us and the Congress has been bridged, I think that I shall probably in future sessions develop this practice of sending for the leading figures in each Group quite early in the session.

15. Paradoxically enough, while the Mahatma is prepared to come and see me at Delhi and Bhulabhai and Satyamurti have no objection to accepting invitation for an interview or to their names appearing in Court Circular, the latest "inspired" indications in today's press are that the Congress as a party will not attend my address to the legislature on the 13th! That is a state of things which leaves us cold, for, more particularly now that the Leader and the Deputy Leader of the Congress Party have been received by me, I am entirely satisfied that we are on high ground, and that the Congress are more likely, if they do in fact abstain, to involve themselves in criticism than to do any harm to the prestige of the Governor-General or of Government. I am given to understand that there is in fact very considerable cleavage (as was the case last year) in their ranks and that the general sense of the Party (including I understand Satyamurti is strongly in favour of attendance. But it is unprofitable to investigate too closely, on the somewhat insufficient material available to us, the causes which have led Congress or its leaders to adopt a particular policy. Nor can one with confidence at

this stage anticipate what in fact their final decision would be (I gather there is a party meeting to take a decision on the night of the 12th, but it is alleged that the press comment to which I have referred to above has made task of the well-intentioned more difficult than it might otherwise have been). . . .

454

Linlithgow to Zetland on Release of Communist Prisoners (Extract)

Zetland Papers

9 September 1937

PRIVATE & PERSONAL

8. Brabourne had been a good deal concerned as to the probable attitude of his Government in regard to the release of communists and the raising of ban on communist organization in the Presidency; and while a close analysis of the cases which he sent up to me to look at in advance of his own arrival suggested that there were a good many individuals who could probably be released without any very great risk being involved, it also appeared fairly clearly that a small number presented definite potentialities of danger, and that any proposal for raising the ban on associations would also need very careful consideration. Fortunately his Ministry has adopted a realist and satisfactory attitude in this matter, and their revised proposal, which he brought with him, are such that we can gladly accept them and feel thankful indeed that they are of so conservative character.

455

Laithwaite to Stewart Forwarding a Note on Interview Between the Viceroy and Satyamurti on Political Situation

Linlithgow Papers

9 September 1937

Note of an interview between His Excellency the Viceroy and Mr. S. Satyamurti, M.L.A., at Simla on 9th September 1937
After a few preliminary remarks the conversation turned on the

Central Assembly. Mr. Satyamurti complained of the unresponsiveness of Government, asking if it was conceivable that his side in politics had never once been right over three years, and contrasting the attitude of Government in the Legislature with my speeches and attitude outside towards nationalist aspirations. He urged the need of the distribution of all possible monies from the Centre to the Provinces and used in this regard much the same arguments as Mr. Bhulabhai Desai, and pressed for a reduction in defence expenditure and particularly for the complete indianisation of the Indian Army and for the removal of British troops. This led on to a discussion of what the position would be under Federation. World Federal Ministers be taken into the Governor-General's confidence in the matter of external affairs and defence policy and expenditure? I said that if Federation came in my time, I would do my utmost to take Ministers with me in both of these matters, making available to them all possible information and facts upon which my decisions might rest. He asked, would Ministers have an opportunity to put their point of view and to attempt to influence decisions? I said that short of the Governor-General failing in the statutory duty of exercising a final decision in matters of this kind, I saw no reason why Ministers should not be given every opportunity to express their views, and by argument to endeavour to influence decisions. Mr. Satyamurti then said: Need we wait for Federation before India's position in the Empire and the World was recognised by her representative being called into the Councils of the Empire? I think I ought to have answered that Zafarulla attended all the meetings which the Dominion Prime Ministers attended in London this year, but not being perfectly certain that this was true, I avoided any positive statement. This, however, is a point which might be made clear in an appropriate release to the press on Sir Zafarulla's return.

2. We then turned to circumstances in the Provinces. Mr. Satyamurti said that to him the most significant thing and the most serious was the absence of effective opposition in the Congress Provinces. He recognised that "even for Congress active opposition was essential". Judging from his experience in the constituencies of Madras, he does not think that any party will have a chance against Congress while national aspirations remain unsatisfied. I said I thought that these last must be largely met by the existing provincial constitutions. From this he did not demur, saying indeed that he himself had long felt that there was far more good, from the Nationalist point of view, in the provincial part of the Constitution than many of his colleagues had supposed. The proposed Federal Centre, however, was quite a different matter. There the field of responsibility and Ministerial Government had been narrowed until there was little left, while the proposal to pack the House with the nominees of Rulers, some of whom were a disgrace to India,

was nothing short of insulting to politically-minded Indians. I asked him what sort of Federation he wanted and he responded in terms almost identical with those used by Mr. Bhulabhai Desai. I asked him how long he thought it would take for the States to join under the "open door" method. He said he thought that Mysore and Travancore "the two best States" would come in within five years and that pressure of public opinion would soon compel others to follow. I said that to my mind a leisurely process of that kind, extending perhaps over at least 50 years, would constitute a grave menace for the unity of India. Was he aware, for example, of the strong movement of thought in the Punjab towards a Federation of the North-West? From this proposition he recoiled with an immediate reference to communal electorates! Sikander Hyat favoured single electorates. If I could make a contribution towards doing away with special electorates, I would earn the gratitude of India. I asked him how he thought a proposition of that kind would be received in Bengal, and he admitted that in that Province difficulty would no doubt arise. I asked him what about Nehru, and would he allow Congress Ministries to continue to hold office. This Satyamurti turned by describing Jawaharlal as the spoilt child of Congress and his father Mr. Gandhi was the big man, now as always; Nehru was only in his place by reason of Gandhi's support. Gandhi was the man to deal with and the man who could and would deliver the goods.

3. Mr. Satyamurti then raised the question of a Royal visit and asked me if the King was coming out. I said I did not know. He proceeded immediately and without the least shyness to suggest that a Royal visit which was boycotted, or even ignored, by Congress would do infinite harm in both countries. Was it not worth our while to placate Congress by treating with them over the Federal Centre in order to secure a successful Royal visit? I pretended to be very shocked and told him that I could not conceivably bargain, even in private, or listen to any suggestion of bargaining, in the direction he indicated. To this he replied that he was not making me an offer, but merely reminding me of a position of which, he had no doubt, I already had full cognisance. Did I realise that before the Prince of Wales came out Lord Reading had offered to do a deal with Gandhi, going so far as to say that he would authorise a fairly general jail release in Bengal if Congress would make the Royal visit a success? I said that was interesting and that it was worth remarking that no marked success appeared to follow the deal, since the Prince's visit had been entirely marred by a boycott organised for political reasons. Satyamurti said that it was so because Gandhi had refused Lord Reading's offer, despite the fact that he (Satyamurti) and many of his friends had pressed Gandhi to do a deal. Satyamurti was entirely irrepressible on this subject and behaved exactly as though he was selling beads in bazaar, constantly pressing his wares upon my attention, first

on this side and then on that. All they wanted was a Conference about Federation with the 11 provincial Premiers, the Leaders of Parties in the Assembly and a few Princes.

4. I gathered that he expects the Party to be present when I speak in the Assembly on monday. He was very friendly and affable throughout the interview, assured me that whether they agreed with me or not, Congress had high regard for me personally, and concluded by giving me a blessing upon my labours.

456

*Gopinath Bardoloi to Rajendra Prasad on Political Situation in Assam
(Extract)*

Rajendra Prasad Papers

*Shillong, Gauhati
10 September 1937*

MY DEAR RAJENDRA PRASAD,

I received your note in due time, but we had such strenuous times that we had hardly any time to write to you....

On the 27th August we had our Land Revenue Reduction (50%) Resolution. The spirit of cooperation with us was prevalent among these non-Congress members. In their speeches the Leader of the Muslim League, Maulavi A. Matin Choudhury, and one Maulavi A. Rahman from Surma Valley Muslims strongly supported it. The debate was carried beyond the conventional time (5p.m.) by the kindness of the Speaker; then the ministerial party began their dilatory tactics till prayer time came. We moved for closure, but failed. The rule being that 2/3 of the members present must be in favour of the motion; and the debate adjourned till 30.9.37.

The whole atmosphere changed in the meanwhile. It was given out among the Muhammadans that the Muslim Raj was at stake. Telegram after telegram began to pour into the Muslim members that our resolution of 50% reduction meant a no-confidence motion and hence all Muslims should unite to defeat it and rally round the Muslim Ministry....

On the 30th we lost our Land Revenue Resolution, which stood at the amendment above stated. On the 1st September we were defeated in every item, beginning from the Speaker's Salary Bill to the Members' Emoluments Bill....

.... The condition of Assam is so very peculiar and its problems so manifold that we feel the necessity for more consultation and better coordination with the central body. It appears, however, that you (I do not mean you individually) pay no importance to our manifold problems. The Province is tired of asking Pandit Jawaharlal Nehru to visit the Province at least once. We feel you (I mean you and Maulana Saheb) should also visit the place locally to understand its peculiar problems. It is by such contact alone that you would encourage us and make the Congress stronger....

Hoping to hear from you,

Yours sincerely,
G.N. BARDOLOI
Leader, Assam Congress Party

457

Tara Singh to Sikandar Hyat Khan on Suppression of Sikhs

Linlithgow Papers

10 September 1937

Copy of a letter from Master Tara Singh, President, Shiromani Gurdwara Parbandhak Committee, Amritsar, to Sir Sikandar Hyat Khan, Prime Minister, Punjab, No. 4449/16, dated the 10th September 1937.

Herewith I am forwarding to you the resolution passed by the Executive Committee of the Shiromani Gurdwara Parbandhak Committee.

It is my conviction as well as that of my colleagues that, whatever be your personal views, your present efforts are directed to consolidate the Muslim position and to establish Muslim domination in the Province. It may be that your hands are being forced by the reactionary members of the Unionist Party, but, so far as we are concerned, it makes little difference whether you have taken to this policy of your own accord or have been forced to do so by circumstances in which you are placed.

The British Government in their desire to continue exploitation of India was, during the last few years, favouring and cajoling the Muslims with the result that the Muslim attitude in the Punjab became pretty arrogant and aggressive. Ever since you have taken over charge of the Government, the conditions have distinctly worsened. For circumstances as you are, you rely for your support on Muslim M.L.As. and to please them you are striving to give to the Muslims the same status in the Province as was enjoyed by the Europeans before your régime.

You understand very well that Sikhs will not submit to personal or communal inequalities or recognise the social and political supremacy of the Muslims in the Province. Hindus are disunited and weak. Your efforts, ever since you came into power, have therefore been directed to win over some Sikhs and coerce others into submission. The Akalis are freedom-loving people and they imbibe the traditions of their community and will not be seduced by ambitions or threats.

The impression that we have formed of your policy is based upon concrete facts some of which I give below:—

(1) *Kot Bhai Than Singh Affair*.—Sardar Mohd. Nawaz is a prominent member of your party. He is also a first-class Honorary Magistrate. He has been intimidating and harassing the Hindus and Sikhs so that all of them have had to leave their homes to seek shelter elsewhere. The Sewadars of the Gurdwara he has been molesting by every possible means. His employees and tenants twice assaulted the Sikhs in the said Gurdwara and he openly tried to save them from the clutches of the law. Murder and sacrilege and other felonious acts that were committed by the employees and servants of the Sardar on the 1st day of April 1937, the day you assumed charge of office, have no parallel in the history of the British Administration in India, and I am sure that the previous Punjab Government, pro-Muslim as it was, could not have suffered these acts without taking drastic action against the Sardar to prevent the recurrence of such incidents. You have slept over all this because Sardar Mohd. Nawaz Khan is a Muslim. Had he belonged to some other community, he would have been ere long divested of his magisterial powers and bound down to keep peace.

(2) *Gujrat visit*.—During your visit to Jalalpur Kiknan you were guest of the Pir who is the soul of the Muslim aggressive movement in that *ilaga*. You also made a public speech in which you fixed the responsibility for giving provocation on the Sikhs because they had the audacity to hold a religious diwan without the consent of the aggressive Muslims. This speech and the private talks that you had with the local leaders seem to have had the effect of starting afresh the campaign of persecution of the local Sikh workers by the Muslims and the local officials.

(3) Your speeches in the Legislative Assembly on the *jhatka* question have emboldened the Muslims throughout the length and breadth of the Province and they have begun to molest the Sikhs for preparing *jhatka* meat. The Jandiala Sher Khan incidents are the outcome of the temper of the Muslims that your speeches and talks have bred. The pro-Muslim and highly coloured version of these incidents that has appeared in the form of the Government communique clearly shows the communal mentality of your Government.

(4) In the removal of five professors from the Khalsa College Staff, we see your hand working. Sir Sunder Singh himself announced in the meeting of the Enquiry Committee of the Khalsa College that the decision for taking this step was reached in a meeting in which you, Nawab Liaqat Hayat, Maharaja Patiala and Sir Sunder Singh were present. The object of this move appears to be to weaken the Sikhs by creating permanent dissensions in their ranks. This suspicion is further confirmed by your efforts to buy all those Sikh leaders who are prepared to sell their community for petty favours.

(5) While you profess that you are making efforts for establishing unity in the Province through Unity Committees, we apprehend, as stated above, that all this is to consolidate the Muslim position and to establish Muslim domination in the Punjab. You are cognisant of the fact that this move on your part will be opposed by the better mind of the Punjab and consequently you propose to strike at the Shiromani Akali Dal and the Shiromani Gurdwara Parbandhak Committee, the two premier organisations of the Sikhs, and for that purpose official agencies have been directed to supply to the Government the home addresses of the members of the Executive Committees of the Shiromani Gurdwara Parbandhak Committee and the Shiromani Akali Dal.

In the end, let me assure you, that you may persecute us, but you will never succeed in crushing the Sikh spirit and demoralising the Sikh community. I shall appeal to you to give up this communal policy and work for the freedom of the country and the amelioration of the economic and social condition of the starving millions living in the Province. God has given you powers which are flowing into wrong channels. For God's sake rise above the limits of narrow communalism and work for ushering in an era of liberty, equality and fraternity. If you could listen to this feeble voice from wilderness and take to the noble work of liberating the country and serving the masses, my services and of those whom I represent will be at your disposal. May God help you.

Copy of a Resolution passed by the Executive Committee of the Shiromani Gurdwara Parbandhak Committee in its meeting held on 10th September 1937

The Executive Committee of the Shiromani Gurdwara Parbandhak Committee records that regard being had to the following matters, the Unionist Government is very largely responsible for the worsening of the communal atmosphere in the Province:—

(a) That the Premier at the floor of the Punjab Legislative Assembly made remarks regarding the use of *jhatka* meat which had an exciting effect on the Muslim mind.

(b) That the Premier in a mammoth gathering of countryside Muslims at Jalalpur Kiknan made a wrong statement of fact that the Sikhs took the aggressive in the Ala incidents and provoked the Muslims notwithstanding the fact that the cases arising out of Ala incidents are as yet *subjudice*.

(c) That Major Sardar Mohd. Khan, a prominent member of the Unionist Party and his Mukhtar, are Honorary Magistrates at Kot Bhai Than Singh and the Sardar enjoys special privileges granted to him by the Government and, in spite of the fact that in two decided cases the employees and tenants of the aforesaid Sardar have been found to be guilty of rioting, murder and other felonies in relation to the Sikh shrine in that village, the present Government has taken no action against the said Sardar, who openly helped the offenders in those cases. Contrariwise, Nawab Ahmad Yar Khan Daultana, Chief Secretary of the Unionist Party, in his latest statement ridicules the grievances of the Sikhs who have been found to be just by the highest judicial authority in the Province.

(d) That the Committee has reason to believe that Sir Sikander Hyat Khan is responsible for fomenting dissensions in the Sikh community as evidenced *inter alia* from the history of the recent happenings at Khalsa College, Amritsar, resulting in the removal of five professors from the staff of the College.

(e) That the sub-committees set up by the Premier for promoting communal unity in the Province are almost packed with declared supporters of the Unionist Party and lack in representative character.

458

Linlithgow to Hallett on Intelligence Report of Some Congress Units Attempting Parallel Government

Linlithgow Papers

12 September 1937

(CONFIDENTIAL)

MY DEAR HALLETT,

I am a good deal disturbed by information which has recently reached me in one of the C.I.D. Reports (relevant extract of which I enclose). It is obviously of the utmost importance that reports of the nature referred to should be treated as wholly confidential and that neither their source nor even their existence should be divulged, even in confidence, for it

goes without saying (you are yourself so familiar with this question and all its aspects that I need not emphasize the point) that the result would be ultimately wholly to dry up our sources of information. That is one aspect of the matter, but I attach (I am sure again in the light of talks I have had with you in the past that you entirely agree with me in doing so) at least equal importance to another which is that any system under which reports are called for in cases such as the present from the local Congress Committee tends to foster the idea of a parallel government, which, it goes without saying, we are all of us most anxious in every possible way to discourage. No doubt you have followed the particular case under consideration, but I would greatly welcome a report from you on it.

Yours sincerely,
LINLITHGOW

Extract report, from dated 7th September 1937, from Central Intelligence Officer, Patna.

1. I have recently been shown an interesting report by the A.S.P. in Police charge of the Dinapore sub-division of the Patna District, which gives examples of the rapid deterioration which has taken place in some parts of his charge since the Congress ministry assumed office. The area includes Bhita, the headquarters of Swami Sahajanand, and is one where there has always been a certain amount of turbulence and, recently much Kisan activity; but it has in the past been less troublesome than several other parts of the district.

2. The report was called for in somewhat unusual circumstances. Two of the Thana officers of the Dinapore sub-division recently mentioned in their weekly confidential reports, one that ever since the Congress took office the authority of the police had been undermined and the Thana staff were constantly being abused, the other that the local M.L.A. (A Kisan Sabha Leader) had publicly taken him to task for submitting a report under section 107, Cr. P.C., against one of his own adherents.

These reports were passed on to the S.P., Patna, who included them in his weekly confidential diary, a copy of which was sent to the Commissioner of the Division. The latter in his fortnightly letter made some comments which were in due course put up to the Chief Minister. He without consulting anyone called for a report from the Secretary of the District Congress Committee, who replied that he was unable to report without being given further facts. The letter was placed on the file and shown to the Inspector General who protested against the Chief Minister's action. The latter finally said that the matter might be dropped, but in the meantime the D.I.G. had called for a report from the A.S.P., Dinapore.

459

Viceroy to Governor of Bombay Permitting Use of the Term "Prime Minister"

Linlithgow Papers

13 September 1937

My telegram No. 179-GC, dated July 23rd. Use of the term 'Prime Minister' by Provincial Chief Ministers.

I fear it has proved impossible to prevent Provincial Ministers from asking that the Chief Minister should be styled "Prime Minister", and the position has been weakened by the fact that it now appears that in Canadian Provinces the Chief Minister use that style. The matter has been pressed in Bombay, the Central Provinces and Bihar, to a lesser extent in Madras and has been touched on in the United Provinces. After consulting the Secretary of State, I feel, in these circumstances, that, as it is impossible for us to prevent Provincial Ministries from embodying the term in Acts etc., there is nothing for it but to give way with a good grace and the Secretary of State agrees that, in these circumstances, no objection need any longer be raised to the use of the term "Prime Minister" in cases in which a Ministry wishes to employ it.

460

*Commissioner of Police Baroda to Manager Huzur Political
Office Transmitting Speeches of Nehru and Patel*

Gujarat State Archives, File No. 130/1937-38

CONFIDENTIAL

No. 133 of 1937-38.
Police Commissioner's Office,
Baroda, Dated 15th September 1937

DEAR SIR,

I have the honour to send herewith a copy of a report received from the Chief Detective Officer, Baroda, regarding the speech delivered by Pandit Jawaharlal Nehru, the Congress President, yesterday, before a gathering of about 20 thousand people.

The same may be submitted to H.E., the Dewan Saheb for his kind information.

Yours sincerely,
Commissioner of Police,
Baroda State

English translation of Pandit Jawaharlal Nehru's Speech in Baroda on the evening of 14th September 1937

BROTHERS AND SISTERS,

I come to Baroda for the first time. You have honoured me and welcomed me but I know full well that the honour you have done me and the welcome you have extended to me is no honour and welcome to me but to the great institution (Congress) whose message I have come to deliver before you to-day. That honour & welcome shows your confidence in the Congress. It also shows that you have deep feeling and enthusiasm though that feeling and enthusiasm does not usually find expression for want of opportunity and only comes out whenever there is a suitable occasion to express itself.

At present, there is unrest in India—in British India as well as in Indian India. The same unrest is to be seen everywhere else in the world. On one side, there is the preparation for war: on the other, there is the scourge of poverty and unemployment. The question before the world is how to get rid of this misery.

I have seen to-day that there is life in Baroda. The same life pulsates through British India. This shows that there is no difference between British India and Indian India but the feelings and objectives of the one are the feelings and objectives of the other. This also shows that India is one and indivisible and it is not possible to tear it into pieces.

Not only is India one and indivisible but India is inseparable from the world at large. The happenings in Australia or America have their effects in India also. The chief difficulty with India is, however, that she is not independent. Our first concern is, therefore to win independence for India and to remove the evil effects which other countries may have upon her. We are trying to win independence and that independence will be for the whole of India. If there is anything that does not enable us to think unitedly, it is foreign rule. That rule is also responsible for the Hindu-Muslim question. That question will never arise in an independent India.

The chief problem of India is, however poverty and unemployment. These two evils are everywhere including Baroda and so Congress wants to fight them. The fight for Swaraj has also the elimination of these two evils in view.

What is Swaraj? To win power and thereby to do away with poverty, to be happy and independent, that is Swaraj. This Swaraj is for Hindus, Muslims, Parsis and all. It has nothing to do with any particular religion

or sect. How can we succeed if we avoid the substance and run after the shadow?

I am hearing from my boyhood that Baroda is a progressive State. There are many facilities here for education, civilization, progress. In other things it, however, resembles the rest of the Indian States.

These Indian States are a thing apart in this world. Even though numerous revolutions have taken place from Kashmir to Europe during the last century and a half, nothing of the kind has happened in India. It has only gone down in prosperity during that time. There is no cause, however, for disappointment. We must move forward. Stagnation leads to decay and death. Even under Swaraj, the Indian constitution will not be a fixed but a flexible thing.

I see to-day that there are thousands of persons in Baroda and that they are active. The condition nowadays is such that whenever there is a 'leader' the people flock to him in their thousands. Of course, the people living in the city are more articulate while those of the villages are more reticent. The problem of the villages is, however, the most important problem.

The world is changing fast. Such swift changes were never witnessed before. I ask "will the present-day capitalism and imperialism survive after fifteen years?" (cheers). Your cheers mean that they will not. There is fighting at present in Spain and China. Whether the cities and civilization of Europe will be destroyed by bombs and poison gas, time alone can show. That is, however, not our look-out. We must put our own house in order. No one man can do it. Only an institution can do it and such an institution is the Congress. Whether we may get praise or blame but we mean to oppose the reactionary forces and I am touring India with a view to deliver the message of Congress and gather strength for that purpose. How has a half-naked fakir entered the lists against a powerful Empire? His weapon is non-violence. That weapon is infallible. He who understands its power joins the Congress.

Some people think that because the Congress has accepted ministerships in Provinces, Swaraj is won. That is not so. The old constitution is still there. The Ministers will have to give up their jobs if Congress orders them to do so.

There is trouble over the Congress flag in some parts of India. It is the Nations' flag and a symbol of its independence. None can, therefore, offer any insult to it. Those who do so do not know the strength of the Congress.

Federation is in air at present. India is a big country and the federal form of Government is best suited to her; but that Federation should be according to our liking and with our consent. The present Federation is disliked by all including the Congress. I understand that the States also

do not favour it. We are not against Federation but against its present form and we are determined to oppose it tooth and nail and we trust that the people of Indian States will help us in our work.

Brothers and sisters, I am once again grateful to you for the welcome you have given me.

Remarks of Mr. Vallabhbhai Patel on the Occasion

I do not want to detain you (the audience) any longer. The only thing I want to emphasise is that in India all the people are in bondage. All are equal in that respect. Because Indian Princes put on ornaments and build fine palaces and temples, they do not cease to be slaves. Slaves can possess good appearances and yet be slaves. We in British India are in a better position than them because we are more independent. The spirit of the times is such that if a monarch wants to marry a woman of his own choice, he has to renounce his throne and the people also compel him to renounce it. Just as during rainy season grass sprouts up, time will effect its own changes. The welcome you have extended today to the Congress President is the reflection of your public spirit. There is unrest everywhere at present and its course cannot be checked. In the end, I request you to act up to the enthusiasm you have shown today and prove that it is a real living thing.

461

Carl Heath to Nehru About Desirability of His Meeting with Linlithgow

Nehru Papers

15 September 1937

DEAR FRIEND,

I have had it on my mind for some time past to write to you, if only to express an intelligent sympathy in respect to some of the very difficult situations you are having to handle in India at the present time. Some of us realise that the difference in interior and in intellectual approach as between yourself on the one hand, and so outstanding a personality as Gandhiji on the other, must make the decision upon current questions very difficult for you at times.

I have seen some part of the Lothian correspondence and feel that some of the considerations raised by Lord Lothian are of much importance, notably where he makes the point that the establishment of

an Indian electorate once made means inevitably its ultimate success as against the distant, and only half concerned, British electorate, and that, in respect to all that concerns the future of rule in India. That I believe is true. None the less I am of opinion that you will have to fight now in a direct, though it may be hoped, unembittering way, the whole of the present federal scheme. Once your Indian Princes and their federal legislative nominees are entrenched it will be a far bigger job. And in this fight you may conceivably be driven to some kind of revolutionary action. I hope not. But if so you will have a very difficult India to deal with—all the India of privilege and possession and power, which values the *status quo* above all other considerations. The Viceroy at Delhi said to me in January, apropos of himself:—‘You must remember that beside the Congress Party I have got to deal with the Princes, the Moslems, the Landowners, Industry and Commerce etc.’—Well, so have you. And that will be your major difficulty. And very important it will be at that point that you do not, before you have sufficient strength, induce and encourage the evolution of a Fascist movement in India. All this of course you are more aware of than I, but your friends in England cannot but observe every development with considerable anxiety.

Personally I wish that you could meet the Viceroy yourself, and for this reason. There are always two motives at work in the type of liberal-mindedness which is Lord Linlithgow’s —the desire to go forward in the liberal sense, helping freedom, and the fear of the men who may mean chaos, and who are unknown quantities. I hear that the Viceroy asked Gandhiji about you. He asked me also. He probably has asked many. But second-hand information is second-hand. Linlithgow is a man of character, as slow as his Scottish ancestors perhaps, but of character and grit. I am certain that, though he would differ on many things from yourself, you would evoke in him a personal appreciation, given the kind of man that he is. And it is immensely important that he should have this appreciation, and should understand the driving purpose that you have. Then he may prepare the way for the constitution that will have India’s assent, rather than be led into an alliance of obstruction. For again, eventually your greatest difficulty is not going to be with the British, but with India herself. You may lead the British into helping India to free herself, or into giving help and support to your hardest opponents. Those Indian opponents will be harder and more ruthless than the British, in that they have more to lose, and India is their country. (Incidentally some of us are suffering a deep disappointment over the Bengal Government and the prisoners, and remembering my long discussion with Sir John Anderson in January over the whole prisoner question, I am afraid that it is to be said that the fault of the present Bengal policy does not lie with the British Governor).

Hence whilst you take the firmest possible stand I wish myself very greatly that the best and powerful men, still sent out to India from England, should come to know and understand you personally, and become possessed of that confidence in your personal worth and character that your friends at home and in England are possessed of. And not on any sentimental grounds, but for the great end of reaching to India's freedom without the devastating effect of a violent struggle; with its inevitable development, in this modern world, of a dictatorship of one or another order.

The next two or three years will be extremely fateful. If the personalities of India, as they grip hold of power, stand out as known big and fine characters, exercising statesmanship and determination, even the Churchill type of opposition will break. You will then claim and take what you need without grave dislocation. It is worthwhile that this should happen to India, and that she should be saved the deadly price of selling her soul to modern militarism and dictatorship.

When I was in your house you spoke of coming to Europe later. I wish that you could, for the success of Congress, the fact of the seven Governments, Gandhiji's meeting with the Viceroy, the removal of the ban on Abdul Ghaffar Khan, Dr. Khan Sahib in the saddle at Peshawar—all these things are having unexpected effects. You would find a different atmosphere, in which quite new things are possible—and through the men of your age, as holding the future.

I am myself the same age as Gandhiji, of the present that is but not of the future. Hence whilst I feel of him that he is, to all his friends, 'a shining light', I know that he will not be here for long. And I do urgently long that the next generation, which cannot believe just as he believes, should nonetheless so grasp the inner forces of life that they are not led into the very old paths of that very same 'étatisme' they condemn in the passing age. But if they are to avoid the 'étatisme' that holds Japan Russia, Poland Germany, Italy and Imperial Britain they must develop those personal relationships which breed a knowledge and a faith, without which politics always become brutal.

Because some of us know you personally and have faith in your character as we had in your father's, we feel the urgency of this matter as we observe the vast struggle you are leading with so great a devotion. With much admiration for your courage and discernment, and with a good deal of concern for the future,

Your friend sincerely
CARL HEATH

Please present my respect and remembrances to Mr and Mrs Pandit. I am very sorry to hear that your daughter has been ill. I hope she has now recovered her health. I dare say I shall hear something from Agatha Harrison, who comes here on Friday next.

462

*W.B. Brett, Chief Secretary, Bihar Government to Home Secretary
Government of India Forwarding Resolution on Constituent Assembly*

*Bihar State Archives, Appointment Department
File No. 3672A*

16 September 1937

SIR,

I am directed to enclose for your information two copies of a Resolution which was adopted by the Bihar Legislative Assembly on the 7th September 1937. The Resolution was moved by Hon'ble Mr. Srikrishna Sinha, Prime Minister of Bihar.

I am to request that a copy of the Resolution may be forwarded to the Secretary of State for India for information.

Copies of the debates on the Resolution will be sent as soon as they are available.

I have the honour to be, Sir,

Your most obedient Servant,
W. B. BRETT

RESOLUTION

This Assembly recommends to Government that they be pleased to request the Government of India to forward to His Majesty's Government the expression of opinion of this Assembly that the Government of India Act, 1935, in no way represents the will of the Nation and is wholly unsatisfactory as it has been designed to perpetuate the subjection of the people of India, and that (expression) of its demand that this should be repealed, and replaced by a constitution for a free India framed by a Constituent Assembly elected on the basis of adult franchise, which may allow the Indian people full scope for development according to their needs and desires provided that in order to give utmost satisfaction to the minority communities the method of electing representatives to the Constituent Assembly may be given on separate electorate basis, the rights and privileges of such communities to be settled by mutual consent in the Constituent Assembly itself.

463

*Rajendra Prasad to Patel on the Prospects of Forming Congress Ministry in NWFP**Rajendra Prasad Papers*CAMP LUCKNOW,
17 September 1937

MY DEAR VALLABHBHAI,

I owe you an apology for not writing to you so long. I have received your two letters dated 11th and 12th September. When Maulana Abul Kalam Azad and I reached the Frontier we found the position of the parties in the Legislature as follows:

| | |
|---|----|
| Congress party | 19 |
| Independents ready to support the Congress | 2 |
| Hindu and Sikh nationalists ready to support the Congress | 2 |
| Democrats ready to support the Congress | 4 |
| Sir A. Qaum's party | 16 |
| Hindu-Sikh nationalists supporting Sir Qaum | 6 |
| Speaker | 1 |

The eight members supporting the Congress and nineteen Congress members had already jointly given notice that they would move a vote on no-confidence against the Qaum Ministry in the Assembly. We arrived on the night of the 31st August and the Assembly was going to meet on the morning of the 1st. When the Assembly met this notice of no-confidence was formally given and the same 27 members who had formally signed the requisition stood in their seats in support of it. The Speaker fixed the 3rd of September for the discussion of the motion of no-confidence. The Finance Minister introduced the budget but the 27 members walked out after Dr. Khan Saheb had made a short statement to the effect that in view of the no-confidence motion it was waste of time to listen to the budget speech of the outgoing Minister. On the 2nd the Assembly met again to transact other business but was adjourned. It was certain that no-confidence motion would be passed by 27 against 22 but the Ministry did not give up hope or effort to win over some of those outside the Congress who were in favour of the no-confidence motion and till the last moment temptations and threats continued to be made to them. We were on our side having consultation with those members as also with

some others. The three Ministers also saw us. Sir A. Qaum was also paying a formal visit but Mr. Mehrchand Khanna had a long conversation giving his own views about the situation. The point with which we were most concerned was whether Congress would take the responsibility of forming the Ministry as it did not have absolute majority and whether eight outsiders who were with the Congress in the no-confidence resolution could be persuaded to join the party. It became clear at an early stage that the Province as a whole wanted a change in the Ministry and were anxious that the Congress should take it up. The above-mentioned eight members were insistent and even some others who were supporting the Qaum Ministry on account of previous pledges and promises pressed that the Congress should take office after the no-confidence motion. Some of them offered to support the Congress when they took office. The general situation in the Province demanded that the Congress should take responsibility and not allow things to drift. One of the things which influenced all those who wanted a Congress Ministry was that there was no alternative to the Qaum Ministry if Congress did not take office and even those who felt bound to vote against the no-confidence motion on account of previous promises were keen that there should be a change in the Ministry. We, therefore, put it to the eight members to formally sign the Congress pledge and thus enable it to take office. They said that so far as the programme and policy was concerned there was no difference between them and the Congress although they would like to lay more emphasis on the constructive side of the Congress than on the wrecking part of it. But they were reluctant to sign the Congress pledge as many of them had fought Congress candidates at the election and defeated them at the polls and had naturally talked against them and the Congress programme and policy during their election campaign. They felt it would be awkward for them to sign the pledge of the Congress so soon after they had denounced it. They also felt that the opponents would make capital out of it and go to their constituencies and carry on propaganda against them charging them with bad faith. We had, therefore, to find out a formula which could be acceptable to them and at the same time safeguard the Congress position. We took good care to make sure that they were good reliable people and when we were assured of that and of their support we consented to the formation of the Ministry in which we included one of them for stability. I think the Ministry will be stable and will gain more and more adherents. In the first place there are some election petitions which may be decided against some sitting members. A bye-election is expected to give a chance to the Congress party. In this way some more seats may be captured for the Congress. Then we had talks with some erstwhile supporters of Sir A. Qaum. They have also

promised support. In this way the Congress party is likely to gain more support.

There are four ministers one of whom is from the Democratic Party and the other three from the Congress party. In the Congress party itself there was difference of opinion and many of the members wanted one Mr. Samijan, while others including the Khan brothers preferred Kazi Ataullah in whom both Khan Abdul Ghaffar And Dr. Khan Saheb have unbounded faith. With regard to the Hindu minister also there was a difference between Dr. C.C. Ghosh who is the oldest Congressman in the Province and Mr. Bhanjaram who has been appointed after considering the whole thing and discussing the whole situation with the Khan brothers. We thought it best to be guided in this matter by their advice and opinion, and so Qazi Ataullah and Mr. Bhanjaram Gandhi were selected. I hope the little flutter in the party about the selection of ministers has died down. There is one thing which gives us some little anxiety. None of the ministers has any administrative experience and this may well prove a handicap against them. We have asked them to have good efficient Parliamentary Secretaries and I hope they will select the ablest men available.

As regards your reference to the Associated Press I do not know if anything can be done in the matter. The Province of Orissa is undoubtedly poor and they are naturally trying to cut down the expenses. So instead of doubling the cost they have cut it down altogether. But if you think anything should be done I may write to them to reconsider the matter.

The Cawnpore situation has become very complicated. The committee of which I was appointed the president has to enquire into the question of wages which, as you know, is always a large and difficult question to tackle. But having accepted it I am prepared to go on with the enquiry. But in the meantime some other complications have arisen which has made the position very difficult. When the general strike was called off, an agreement was arrived at; one of the terms of which was that there should be no victimisation and there would be no strike while the enquiry was going on. Soon after the settlement some workers were dismissed. There was a stay-in strike and then the employers declared a lockout in three of the mills which is still continuing. More than ten thousand workers are out of employment. I was anxious to have a settlement so that the general enquiry may proceed in a calm atmosphere. But this attempt failed. The Enquiry Committee has framed the questionnaire and parties have taken time for submitting their answer. So the Committee is not going to sit till 20th of October. But in the meantime if the tension grows it is just possible that strike or lockout may extend to other mills.

SEPTEMBER 1937

I was at Cawnpore yesterday for setting the questionnaire. I came here last night to discuss the situation with Pantji. I am going away to Patna tomorrow. Else alright. Hoping you are well.

Yours sincerely,
RAJENDRA PRASAD

464

Zetland to Linlithgow on Tendency of Some Governors to Refrain From Interference (Extract)

Zetland Papers

18 September 1937

(PRIVATE) I was grateful to you for giving me the earliest possible information of the developments and tendencies in the United Provinces. The situation there is somewhat ominous and I agree with you that Haig was unduly pliant in the early stages of his contact with the Congress. Indeed, it is becoming apparent, I think, that the tendency on the part of the Governors generally will be not, as Congress feared, to meddle needlessly in the administration of their Provinces, but rather to refrain from intervening too long where a case for legitimate interference on their part exists. I am wondering if we shall not come under fire when Parliament reassembles on the ground that the Governors have been guilty of offences not of commission but of omission. The question of the attitude of the Provincial Governments towards Communists and Communist organisations is likely to attract the attention of some of our more Conservative friends!

465

*Zetland to Linlithgow: Approving Policy Regarding Congress Flag and "Bande Mataram"**Erskine Papers*

21 September 1937

No. 2312. Your telegram No. 1034-G of September 7th¹. Flying of Congress Flag and singing of "Bandemataram". I concur in policy and action you propose. I agree however with Hubback that Governors should resist any order by Ministers requiring officers to stand during singing of song or for Flag salutation ceremony.

¹ See No 449

466

*Emerson to Linlithgow on Undesirability of Holding Delhi Durbar Without Ensuring Attendance by Congress Ministers (Extract)**Linlithgow Papers*

22 September 1937

(PRIVATE & PERSONALS)

MY DEAR LORD LINLITHGOW,

6. The main problem is concerned with the Durbar¹ at Delhi. It seems to me extremely improbable that Congress Ministers would break with Gandhi on an issue of this kind, and it therefore comes down in essence to the attitude of Gandhi. I was greatly impressed with your Excellency's views formed after the interview with Gandhi regarding his implacable hostility to British rule. He seems to have hardened greatly in this respect since I knew him. He is certainly strongly opposed to pomp and circumstances as represented by high ceremonial. He might explain

¹ King George V and Queen Mary held a grand Durbar in Delhi in 1911. It was at this Durbar that the formal announcement about the shifting of the capital from Calcutta to Delhi was made. It was also the only state occasion when a British Emperor visited India in person and held a state function. Another Durbar was contemplated for George VI in 1937 or 1938, but it could not be held.

his opposition as based on what he would regard as an undue demand on the Indian taxpayer, but the real opposition would be to the display of imperial power. The circumstances attending the Durbar would be completely alien to the simplicity and economy which so far he has successfully imposed on Congress Ministers. He could not authorise the participation of Congress Ministers, in a Royal Durbar without sacrificing his strongest convictions. I do not believe that he would do so, and whatever might be the view of individual Ministers, I think that he would be able to impose his will on them. If this appreciation is correct, then Congress Ministers would not attend the Durbar; nor, in consequence, would Congress members of the Legislatures attend, except possibly a few individuals who were invited to the Durbar as Durbaris. So far as a Congress Province was concerned, the result would be that, apart from the Governor and some officials, the Province would be represented at the Durbar by non-official Durbaris, the great majority of whom were in opposition to the Government of the Province concerned, and whose interests were threatened by the Policy of the Ministry. The new political régime in seven Provinces would be almost entirely unrepresented. This would rob the Durbar of its representative character and would make it a very easy target for the jeers and criticisms of hostile elements. Moreover, even if the difficulty were got over by leaving it open to Ministers to attend the Durbar or not as they liked their deliberate failure to attend would have a very deplorable effect throughout India. Their absence would be more marked by the attendance of Ministers from the other four Provinces.

7. The above appreciation is, of course, based on assumptions which may be completely falsified by the Governors of Congress provinces, but it seems to me that, unless there is a practical certainty of Congress Legislators attending the Durbar, the effects on the traditional reverence towards the King and on the imperial connection would be definitely diverse. Sir Sikander agrees with me in this view....

Yours sincerely,
H.W. EMERSON

467

Linlithgow to Emerson on Adoption of New Procedures in the Assemblies

Linlithgow Papers

VICEREGAL LODGE, SIMLA,

23 September 1937

[Secret]

MY DEAR EMERSON,

Many thanks for your secret report of 14th September. I fully appreciate your anxiety about the communal situation, and it is a great help to me to be kept in such close touch with the various manifestations of communal difficulty in the Province. I appreciate, too, the difficulty which arises from the composite character of the Government.

2. As regards the repatriation of political prisoners, I am glad that your Government has taken the decision it has. It is quite correct that so long as a Local Government sees no danger in a decision in this sense, the Government of India welcome repatriation, and I fully appreciate the risk, so far as the terrorists convicted in Madras are concerned, of their being released unless the Punjab is prepared to take them back.

3. I have had complaints from two or three Governors of the strain imposed, on the Premier in particular, and a lesser extent on certain other Ministers, by the burden of work which falls upon them. In Madras, and I think also in at least one other Province, I am glad to see that Ministers have now taken the line that it is really impossible for them to deal direct with the multitude of petitions and representations addressed to them by aggrieved or interested parties from all over the Province, or to grant the number of interviews for which they receive requests; and that there is a disposition on their part to refer enquirers or complainants to the ordinary official channels. That, from the point of view of the administration generally, is as healthy, as it is sound from the point of view of Ministers themselves, and I hope that we shall see growing signs of a tendency in this direction as Ministers settle more into the saddle.

4. There is one other aspect of this matter to which I myself attach some importance and in respect of which it seems possible at any rate in certain Provinces to make suggestions which would to some extent tend to relieve the strain on Ministers. I refer to the modification and stiffening of parliamentary procedure. I cannot do better I think than enclose a copy of the telegram on this subject which I recently sent to Erskine, which make the position generally clear. I am much encouraged by a

report I have since had from Erskine that the House of Commons procedure as regards questions had been accepted both in his Council and in his Assembly, and that the results so far are excellent. I am well aware that Congress in particular in the past took full advantage in the Centre of the laxness of procedure in respect of questions. But now that they are themselves confronted with the crushing burden involved in the day-by-day administration of a Province, they are likely to take a much more realist view of the situation than when they occupied a position from which they could make the fullest possible use of the laxness of procedure to embarrass Government; and that is equally true of non-Congress Governments. I feel little doubt that any Assembly in which a modified procedure of the nature indicated in my telegram to Erskine has once been adopted is most unlikely to feel any sincere or genuine regret at the abandonment of the old state of things. As I think you know we have made certain modifications in this sense in the Central Assembly, and Abdur Rahim, who was at first inclined to feel some doubt as to whether in fact any good was likely to result, mentioned in conversation a couple of days ago that he now felt quite satisfied that the new procedure was of real advantage. I need not say that attempts have been made to circumvent it, but they have not so far been successful. The Punjab in fact already stands I think quite well in this matter, but for all that you might think the suggestions I have put to Erskine worth mentioning to Sikander and to your Speaker. Here as elsewhere it seems to me of the greatest importance to start early with any improvements of this order, so that the Assembly can settle in to the new rules at once.

Yours sincerely,
LINLITHGOW

468

Erskine to Linlithgow on Holding Delhi Durbar

Linlithgow Papers

24 September 1937

(PRIVATE AND PERSONAL)

MY DEAR LINLITHGOW,

In your private and personal letter of September 17th, 1937, you ask for my views in regard to a possible visit to India by His Majesty the King-Emperor in the cold weather of 1938-39.

My views on the subject are as follows. If the international situation permits, I think it is important that the King Emperor should hold a Durbar at Delhi at the time you suggest. The precedent was set by King George V and it would, I believe, give rise to malicious comment if His present Majesty did not follow the example of his father. I would add that, if there is to be a Durbar, it is the King himself who should come and that it would be far from politic to substitute one of his brothers. Of course if, after announcement of a Durbar is made, the international situation should degenerate to such an extent as to make it obvious that in the circumstances the Sovereign could not leave England, then there would be no objection to the ceremony being carried through by the Viceroy.

I would therefore advise that the course contemplated in sub-paragraph (a) of paragraph 3 of your letter be adopted.

There is however one point mentioned in paragraph 4 on which I would like to comment. After saying that His Majesty's visit would have to be short, shorter even than that of King George V in 1911, you go on to say "it is also conceivable that he might pay a formal visit to one Province."

I am bound to say that I feel this would be a mistake. If it were possible for His Majesty to spare the time, it would I believe be appropriate for him to visit the three Presidency towns, for a definite line can be drawn between them and the capitals of the minor Provinces. But if His Majesty were for instance to go to Madras and not Calcutta, or *vice versa*, then a great deal of unnecessary jealousy would be engendered. I feel therefore that the King should go straight to Delhi and not visit officially any other place in British India, though no doubt he may wish to go and shoot in Bikaner or Nepal; nor could there be any possible objection to his doing so.

I may say that I had a private conversation with Rajagopalachari last evening on the whole question. I did not of course tell him that there would be a Durbar, but said that it would be as obvious to him as it was to me that there might possibly be one and that if the proposal was ever mooted, I would like to know his reactions to the idea.

He said that if there was a Durbar within the next fifteen months, he thought it would be extremely unlikely that Congress Ministers themselves would be able to attend, but that he was quite certain, on the other hand, that, if the King Emperor were to visit India, there would be no trouble at all and that the Congress would not think of organising a boycott or disturbance of any kind. He was emphatic on this last point.

As to the suggestions that you make in paragraph 5 of your letter in regard to financial arrangements, I quite accept them, but would ask that the idea put forward in sub-paragraph.

(a) Should be slightly extended to cover the cost of the Governor and his Staff's expenses in getting from his Headquarters to Delhi and back again. My tour grant is none too big as it is and the distance from Madras to Delhi is so great that a visit there makes an enormous hole in it. I would add that it would not be necessary for the Government of India to pay for a special train, as the modern practice, except on exceptional occasions, is for me to attach my saloon to the ordinary express, as this method is a good deal cheaper. I would further add that, if it is eventually decided that the King should pay an official visit to one particular Province, that the Governor of that Province should receive a grant from the centre towards the entertainment of His Majesty, if owing to there being a Congress Ministry in the Province the Governor is unable to obtain a grant from the provincial funds.

To sum up therefore, I would advise that, if the international situation permits, a Royal Durbar should be held at Delhi during the winter of 1938-39 and that, with the minor modification suggested above, I am in favour of the proposals as to finance, &c., made in paragraph 5 of your letter. It is also in my view unlikely, unless there is a considerable change in the internal political situation, that Congress Ministers would be permitted by their Central Organisation to attend the Durbar, though nothing in the nature of a boycott or organised disturbance need be anticipated.

Yours very sincerely,
ERSKINE

469

Hallett to Linlithgow Correcting False Impression Created by Intelligence Reports Against Congressmen in Bihar

Linlithgow Papers

25 September 1937

[Secret]

MY DEAR LORD LINLITHGOW,

I am very grateful for your letter of 12th¹ September in which you drew my attention to a report submitted by the local Central Intelligence Officer which you not unnaturally regarded as rather disquieting. You

¹ See No. 458

raise two major points (a) that we should do nothing which will make our sources of information dry up, (b) that we must do all we can to discourage any attempt to foster the idea of a parallel Government. I am of course in full agreement with Your Excellency on both points but I feel that the C.I.O's report covering rather a false impression of what actually occurred, and that in view of this it is desirable, for me to give a somewhat full account of the matter, because of the importance of the issues involved.

2. The Commissioner of Patna in the ordinary fortnightly report which he submits to Government reported that in a certain area Congress workers were attempting to undermine the authority of the police and were abusing the police station staff (or used words to that effect). This report was based on the report submitted by the Superintendent of Police which in turn was based on the general confidential reports obtained by him from his sub-Inspectors. There was in this report no secret or "source" information in the sense in which we used these terms when we were discussing the problems of maintaining our source of information about terrorists and when Section 58 of the Government of India Act was being discussed. The report had of course to be submitted to the Prime Minister in charge of law and order, and in doing so the Chief Secretary rightly suggested that action should be taken to restrain Congress workers from any such attempts. The Prime Minister accepted this suggestion and at once drew the attention of the Congress workers concerned to this. This was in my view the only action that could be taken and it was of course taken by the Prime Minister rather in his capacity as Congress Leader than as Minister. Not unexpectedly the Congress worker who had been addressed wrote back denying the allegations and wanting to know the individual instances on which they were based. The Prime Minister wanted this information to be supplied to him but my Chief Secretary put up a very excellent note pointing out (i) that these police reports were intended to give general picture of the "political" situation in his jurisdiction and that such reports contained rather general impressions based on information picked up in all quarters than facts which were capable of being proved; (ii) that to supply the information asked for to a Congress worker would have the effect of setting up an outside authority to enquire into the work of the police and the accuracy of their reports, and such action would be most damaging to the morale and discipline of the police. With this view the Prime Minister agreed and decided to take no more action.

3. One point which is of importance is this. Though I do not know exactly what the Prime Minister wrote to the Congress worker, I do not think it correct to say, as the C.I.O. does, that he called for a report from the Secretary of the local Congress Committee as to the facts. Referring

to this matter in another later note, the Prime Minister wrote as follows: "When instances in support of such things (interference in administrative matters) were brought to my notice, I at once drew the attention of the Congressmen to them."

4. Thus in my view the incident did more good than harm, for it enabled us to explain the position to the Prime Minister who accepted the view put before him. I also do not think this particular incident will lead the police to refrain from submitting reports about Congress activities. Actually in this case the Inspector General deputed an Assistant Superintendent of Police to make further enquiries in the area as to the truth of the allegations and I feel that action will make it clear to the police that they should continue to report damaging activities of any people or party. Of course they are on rather delicate grounds, they have become habituated to regard Congress as engaging on non-constitutional activities and apart from the fact that Congress workers themselves or some of them still carry on activities, which are or may be damaging to the administration, regardless of the fact that the administration is in the hands of their party, there is also the difficulty which the ordinary Sub-Inspector must find in reorienting his ideas and differentiating between unobjectionable and constitutional activities and damaging activities. My Prime Minister made, I hear, a very good speech on the Police Budget; at least that was the view of my Chief Secretary who heard it and of the Deputy Inspector-General of Police, C.I.D. I have not yet seen a full copy, but will send to you as soon as it is available.

5. This brings me to Your Excellency's second point. I have referred to this point incidently in my fortnightly reports, and I think it is satisfactory that my Prime Minister agreed to the inclusion in the last official report of the following paragraphs:—

"The Commissioners report that in several districts Congress thanas are functioning for the settlement of disputes and that some of these bodies are equipped with officers and receive information and complaint and settle disputes on payment of fees. So far as these bodies confine themselves to the settlement of disputes out of Court among parties which are willing to accept their arbitration, the arrangement does not call for any comment, but there is also evidence that the functions of these bodies is accompanied by propaganda to the effect that cases should not be reported to the Police and the regular courts and that these authorities are now powerless. This type of propaganda, which is discountenanced by responsible leaders, can only weaken the established administration of Government. The propaganda is not wholly on these lines, at various meeting the people have been told to co-operate with the Police in their legitimate duties and to report complaints to them."

One cannot object to Congress workers or others trying to settle

disputes by compromise, in particular land disputes. What we must be on our guard against is any attempt by Congress workers to deal with senior or professional crimes or with cases which under the provisions of the Criminal Procedure Code are not compoundable. I have not heard any very definite instances of this, but I have told Police officers to be on the look out for them. I feel myself that the Prime Minister is genuinely anxious to uphold the Police, but of course the question is whether he could control his followers, and I quite admit the damaging effect on Police morale of being subjected to constant abuse. It is difficult to find any very definite remedy for this, but if the Congress workers over step the law as they may do in some cases and we take action against them without fear or favour, it may have a reassuring effect. My Inspector General has recently been on a prolonged tour and I will discuss the whole situation with him on his return. I will keep you informed of development whether good or bad.

Yours sincerely,
M.G. HALLETT

470

Roger Lumley to Linlithgow: Impressions About B.G. Kher

Linlithgow Papers

25 September 1937

[Private and Personal]

D. O. No. 3-H.E.

MY DEAR LINLITHGOW,

Your letter of September the 20th¹ about social intercourse with Congress Ministers. In Paragraph 2 of your letter you say that you would be glad to see Kher. I found out from him that he was only spending two days in Simla, so I am sending you a wire today to inform you of the time of his arrival and departure so as to give you time to fit him in with your engagements if you can see him. He is, I know, very anxious to see you if you are able to send for him.

2. The position here about social intercourse with Ministers has undergone no substantial change, although I hope that an advance will

¹ Not printed

be possible before long. I mentioned to Kher yesterday that the Central Provinces' Ministers had dined privately with the Governor and asked him whether he was yet in a position to do the same. He said that his instructions on this subject still held, but that he was going to make enquiries about what had happened in the Central Provinces and hoped that it would be possible to obtain some modifications of his instructions. He gave me to understand that he, and possibly all the other Ministers, disliked these instructions and will be very glad if they were altered. But I am afraid it is clear that, unless they are altered, he will not like to make any advance on his own. I do not intend, therefore, to press him on this matter, but he has promised to let me know whenever he feels in a position to accept the private invitation from me. He told me that his instructions permitted him and his Ministers to accept "refreshments" when they were seeing me on official business. Hitherto these refreshments have not gone beyond a glass of water, but he told me that they could go beyond this and so, when he returns from Simla, I shall try and arrange to prolong an interview until lunch time and see if he can stay to lunch to continue his official business afterwards. Perhaps however the further circular which you expect to send round will by then suggest some better ideas than this one of mine.

3. I have sounded Kher about the possibility of a Royal visit, which was mentioned in your private and personal letter of September the 17th and although I am not yet ready to give you my answer to your letter, I will tell you how the matter stand with him so that you may have it in mind if you are able to see him. I put it to him in this way; that there had been reference in the press to a possible visit next year by His Majesty and that, no doubt, a decision would have to be reached before very long, and that I would like to know what his own private opinion about it was. I made it clear to him and he fully understands this, that if he is able to give me his own opinion, I should not regard it as committing him in any way at this stage. He said he would like to think the matter over, and I expect that may mean that he will ask privately for instructions, but he said one thing which seems to be worth recording. He said it would be difficult to give any useful opinion now since he felt that his Ministry was still on trial and, therefore, did not yet command a great influence on public opinion. If say in six months' time, they were able to show that they could implement some of the promises which they have made, they would be able to feel firmly in saddle and would, therefore, be in a position to control public opinion. From this I infer (although he did not say so in so many words) that, if he were allowed by the Congress High Command, he would co-operate sufficiently to make the visit pass off with success. That, I have little doubt, is what he himself wants to do. He is however, as he says, thinking the matter over

and I shall hope to hear more from him when he returns from Simla.

4. Brabourne will have told you his own opinion about Kher. In the short time that I have been here, I have found him very friendly and courteous and easy to deal with. In my first interview with him after I assumed office, I thought it well to give him an idea of my general attitude, since I expected that he would be feeling some doubt as to how a new Governor would act. I therefore told him that I had come out with the general intention of helping him, or any other Minister who might command a majority in the Legislature, to make a real success of the measure of responsible government provided by the Act, and that I proposed to follow the same convention which had been established between him and Brabourne, namely that if I saw any difficulty arising which might invoke any of my special powers, I would talk to him about it and hoped to solve the difficulty without a deadlock. I also made it clear to him that I would like to help him in his nation building programme and that I wished him to feel that any help in that line which I could give was freely at his disposal. He seemed much relieved at this and confessed that he and his colleagues had been nervous as to the manner in which the new Governor would carry out his functions, and I think that he now feels that he can talk to me with the same frankness that he did with Brabourne. At my next interview with him he gave me an account of Gandhi's creed, in which he is such an ardent believer. Although much of this seems to me, difficult to connect with politics, the cardinal point on which he laid great emphasis, namely, truth, seems like being a considerable help in my dealings with him, since he assured me that he would always want to tell me the truth and keep nothing back. After you have seen him, I am confident you will agree that, as far as he is concerned, he is thoroughly genuine over this. My anxiety is, however, that he is so little of a politician, and so honest, that he will be no match for the more cunning members of Ministry or for the more unscrupulous members of Congress headquarters. I have given you my first impressions of him, though I do not think they are worth very much at present, and I shall be very interested to hear what you make of him.

Yours sincerely
ROGER LUMLEY

471

*Nehru on the Role of Kanpur Workers**The Leader, 27 September 1937*

Mr. Jawaharlal Nehru has addressed a remarkable letter to the workers of Cawnpore which has been published *in extenso* in the local Hindi daily *Pratap*. The letter is not only of importance to Cawnpore, but it has a very wide application and is interesting, coming as it does from the Congress President. Addressing the workers Mr. Nehru writes:—

“For some time past excitement has been going on at Cawnpore. Some time there is a strike, some time the millowners close the mill, some time some workers are dismissed, which leads to trouble. This question, therefore, is not one which affects Cawnpore alone; its influence is being felt all over the Province. And this is right, because the problem of the workers and the question of their welfare is one which should affect everybody. I regret I could not come myself and take part in it. I have been touring about all over India as part of the heavy responsibility that weighs on the country falls on me: and questions relating to the workers and the peasants are cropping up everywhere. But wherever I went Cawnpore was always in my mind and I was always anxious to get news about the labour trouble. I trust to be present among you soon and whatever help I can give you I shall do so.

SIGNIFICANCE OF CAWNPORE QUESTION

“The problem of Cawnpore workers is a difficult problem. But we should not forget that Cawnpore labourers number only 50,000 out of total population of 50 million in this Province: and then millions of peoples are from peasantry. Therefore, unless the problem of peasantry is not solved, we cannot drive out poverty and distress from the country. It is true that there is a close affinity between the peasant and the workers’ problem. If the former are in plight, it would be difficult for the latter to improve their lot. After all it is from the peasantry that most of the workers come, and a very large number among the peasants are idle. That is why whenever there is a strike there are any number of peasants available to take the place of the strikers and the strike falls through. However strong may be the workers organisation, poverty and unemployment among the peasants is bound to act as a dead weight. Therefore, it is essential to raise both of them together, otherwise neither

¹ The letter was sent by Nehru on 23rd September 1937.

would be able to rise much. This is basic truth about the whole country, and specially our own Province is predominantly agricultural. Only Cawnpore, which is an industrial centre, has a large labour population.

WORKERS AND THE CONGRESS MINISTRY

"All these things have to be kept in mind by the Provincial Government. The workers should also remember them or they would fail to grasp the real situation and would never realise their weakness or their strength. It is only recently that the Congress Ministry has come into power. They are trying to serve the people as much as they can by working along the lines of Congress principles. You should not, however, forget that the real power is not in the hands of the Ministry, and in many matters they are fairly fettered. The British Government is still functioning in our country, and Swaraj is as yet a long way off. You would have noticed that the Congress Ministry has full sympathy with you, and has also tried to help you. But you should not forget its limitations. It cannot do things beyond its power, and if you try that it should do so it might result in harm.

"There is a sort of tussle always going on between the workers and the millowners. Both see to their own advantage, and it may be that their interests clash. Whichever is the stronger party will pull the weaker. Ultimately we think this tussle would end only when the workers would get full compensation for their labour, and when all the large concerns in the country are owned by the people. But this is a thing which cannot take place in a single city, it must take place in the whole country. Before this can happen, it is essential that the government of the country must pass into the hands of the people. This is what is known as Swaraj. It is for this that the Congress has been fighting for so many years and has now been able to achieve some success. When we achieve Swaraj the way will be open to us, and we shall manage our mills and factories, and our land just as we like. But not till then.

ORGANISATION OF WORKERS

"I have referred to the constant tussle between the workers and the millowners. I am convinced that the greater strength of the workers the better would they be able to make their lot. But in what does this strength lie? It lies in organisation. The first thing, therefore, that the workers should do is to organise a Mazdur Sabha or a Trade Union. Without this they will always remain weak. You all know that for long the Cawnpore Mazdur Sabha remained a weak body. As a result the workers also had no strength. Today, the Mazdur Sabha is strong, and with it the workers also have gained in strength. But real

strength does not consist in swelling the membership. Many other things are necessary for it, and if you try without acquiring full strength it often happens that you lose in the fight and suffer loss. Perhaps, you have all heard that ten years ago there was a large organisation of workers in Bombay. Due to frequent strikes that organisation, however, grew weak, and since then it has not been able to recover completely. If it had not supported those frequent strikes it would have then marched from power to power and would have been today a most powerful organisation. What is true of Bombay is true elsewhere also. The difficulty is that the workers are so impatient that if they acquire a little strength they think they can achieve everything. They forget powerful forces operating against them against which they cannot successfully fight. The result is that they lose and then they get discouraged, grow weak, and all their enthusiasm ebbs away. We should always measure our strength and go as far only as we can go. There we should stop and gather more strength and then again march forward.

"I am stressing these basic things so that you should all ponder on them seriously and then decide. I find that you have gained in strength and full of enthusiasm. But I am afraid lest you should attempt to do things which may result in your weakening, and all enthusiasm may then cool down. There is danger of being involved in trivialities and forgetting the essential things.

"After all how is it that you have gained strength? There was a new feeling in the air due to Congress success and the coming into power of the Congress Ministry. Since then a change came over the relations between you and the Government. This necessarily was also realised by the millowners, and their attitude towards you changed. Many of your demands were conceded by them, and to consider your basic demands a Committee of Enquiry was set up. All these things naturally helped in increasing your strength, and you got an opportunity to improve your condition. You have now to seize this moment and get the maximum out of it. A single false step on your part might mean that you might lose the opportunity, and then who knows when it might recur again. Do not forget that if you adopt wrong tactics then even the Provincial Government will not be able to help you, and you will not be able to save yourself.

"The first thing that you have to do now is to strengthen the Mazdur Sabha and organise yourself. Secondly, you must make all necessary preparations for the Enquiry Committee. If you get yourself entangled in small matters and are not fully equipped, the Committee will not be able to give a proper decision. The millowners will be ready with all material and will put their case very well, but you will not be able to do so. And if

you continue to be involved in side-issues and the Enquiry Committee, as a consequence, could not function, then everything will be spoiled.

"It is said that the millowners did not observe the terms of the settlement. I am, of course, not aware of the situation at Cawnpore, but this is possible. Even then the question arises: What are you going to do? Should you in moment of excitement stray away from the right path and forget it? If you do so, it would not be wisdom and you will suffer. Of course this will please your enemies.

MILL-WORKERS AND MILLOWNERS

"After a hundred years' constant struggle at last the workers have gained two objects. The first is to form a Trade Union, and the second is the right of strike. The workers cannot forego these two rights, as without them they would be powerless and weak. But the weapon of strike is such which should be used only on special occasion. It loses its edge if it is used too frequently, and becomes useless. Workers should resort to strike only when all other avenues have been exhausted, and the Mazdur Sabha after much deliberation decides to do so. If the strike were to take place at the instance of one single individual or a group, how could you have any organisation? And if this were to happen every day what effect would it produce? Either it would result in the millowners declaring a lock-out making the workers to starve after some time, or the millowners finding that no settlement was possible might put up a stubborn resistance. How long would the workers in that case be able to withstand them? In such a case it is also likely that the workers might forfeit public sympathy without which they could not expect to succeed. You all know to what extent the Congress and the Cawnpore public have helped you, and without that help what could have been done.

"It is often complained that the millowners try to rid themselves of such workers who take particular interest in the Mazdur Sabha. This complaint is probably true; and the millowners do it in every country. The workers have also been opposing it everywhere, because if this is not checked, how can the workers organise? But at the same time the right to dismiss a worker who does not do his work well should be conceded to the mill manager. No one should question this right. No institution or mill could function properly without discipline. Where the Trade Unions are well organised, whether it is Russia or it is England, this holds true. It is impossible that in such matters where the question is to keep or not to keep a particular worker everybody should interfere. But where the Mazdur Sabha feels confident that injustice has been done to a particular worker it should have the right to bring that case to the notice of the public, and if necessary should hold an enquiry. In such matters if some principle is involved recourse may even be taken to a

strike. This should, however, be done after giving due notice and when there is no other way open for redress. Impatience can only make matters worse and the workers may be involved in unnecessary strikes and difficulties. Therefore, when such incidents happen there should be a protest, followed by an enquiry, and whatever is possible under the circumstances should be done, and then if need be the Mazdur Sabha should meet and deliberate what to do next. Generally this is how the workers should act. But at Cawnpore in the present circumstances nothing should be done precipitately which might be harmful. Perhaps the Enquiry Committee itself will decide what steps should be taken where a worker is illegally dismissed. Some solution, legal or otherwise, of this question must be found out. It is necessary for the workers to collect all relevant material on this point to be laid before the Enquiry Committee.

"The workers should not forget that after all their wages are paid out of the profits made by the mills and factories. If the work in a mill is bad, its production is also less, and the margin of profit is proportionately reduced. In such circumstances either the mill will have to close down, or much of its burden will fall on the workers. Whatever, therefore, injures the working of a mill is ultimately *detrimental* to the interests of the workers. In England people get very much higher wages than here because they work more, and their work is also better. Therefore, it becomes easier to pay them higher wage and to provide them with many other amenities. You should not do anything which might interfere with the smooth working of the mill or cause obstruction. When you are compelled to go on strike then all should join it, but before that all efforts should be directed to do the work well, and while at it other interests should not be permitted to interfere.

VIOLENCE IN STRIKES

"I would like to draw the particular attention of the workers to one thing, because I feel that without it they cannot make much progress. Our work and our organisation can only proceed if we are non-violent and peaceful. There are people who believe that they can terrify and browbeat others and force them to concede their demands by threats or by violence. Such people are living in a fools' paradise and are completely deluded. If violence is resorted to, it is impossible that the Government should not interfere, and the army or the police should not be called. The workers should remember that the Government is very powerful, and that it must put down violence by violence, and that the workers in no time will be subdued, and this will have a very bad effect on the workers' organisation as a whole. It will become weak, and the attention of the public will be diverted from reasonable demands of the workers to the quarrels.

“You all know what fights the Congress had to wage with the Government during the last 17 years, and what a strong organisation it has built up in the country. From the Himalayas to Ceylon, in every village and town, its power and influence have been felt. All this has been achieved by non-violent methods and not through brickbats, *lathis*, or guns. Leaving aside principle, you should see what can be done in the present circumstances in order to strengthen your power. All sensible people in India know that we can fight our battle of freedom only in this non-violent and peaceful manner, and it is in this way that we can organise and make ourselves strong. Everything else is childish and is the outcome of ignorance of circumstances and world condition. You cannot organise the masses except through peaceful means, and a strike which is accompanied by violence can never succeed. You must grasp all these things well because your success or failure will depend on them. The Congress has always helped you and will continue to help you, but the Congress cannot co-operate with you if violence is used. It will have to come to a parting of ways.

CONCLUSION

“I have addressed to you a very long letter. Most of the night was passed in writing, and now the day is about to dawn. I, however, wanted to open my heart before you. My feeling about Cawnpore is a mixed one. I rejoice to think that you have gained in strength, but at the same time I grow anxious lest you should take a false step, and all this enthusiasm might die down; and whatever little you have gained might also disappear. If you follow the right path and stick to it, then you will gain an increasing strength and the condition of Cawnpore workers will also improve. Everything, therefore, depends on you. All that we can do is to give you advice or help, but it is you who is to do the work, and the success or failure depends on you. I have deliberately avoided to discuss the millowners or their shortcomings at length. I am addressing this letter only to you, and it is to you, therefore, that I appeal. It is not other people's mistakes or faults that harm us, it is our own faults and mistakes that do it. I have told you to organise, for your ultimate strength will lie in it. You should not forget that only recently the millowners seeing you organize formed themselves into an Employers' Association. You have yet to encounter great difficulties and the way is long. Do not be deluded into the belief that you reached the goal already.”

Your brother,
JAWAHARLAL NEHRU

472

*Rajendra Prasad to Patel on Difficulties Faced by Congress Ministries in U.P. and Bihar**Rajendra Prasad Papers*

SADAQUAT ASHRAM, PATNA

28 September 1937

MY DEAR VALLABHBHAI,

I have received your letter of the 22nd last. I followed to some extent the tour of the President in your Province. It was rousing reception that you gave, the contribution to the Kamla Memorial Fund was handsome and as it should have been.

I was at Lucknow on three occasions and had long conversations with Pantji. He is very much worried. Apart from the work which in itself is very heavy and taxing he has had the labour trouble as also the general atmosphere which prevails all cause him anxiety. He was very much upset by the demonstrations which followed the release of the Kakori prisoners and he was telling me that his warnings as also those of the President not to indulge in them was not heeded. He feels that our sheet anchor is non-violence and anything which in any way undermines it should not be permitted. He is anxious that the Congress policy, though clear and unambiguous in this respect, needs to be reiterated time and again. I have felt that although Congress ministers have taken office and are carrying on administration in seven Provinces, Congressmen, generally, even members of legislature, do not realise yet that their party is in office and that members of that party have certain responsibilities and obligations. They have not been able to adjust themselves to the changed circumstances and the mentality of opposition persists. Many questions are asked, many resolutions sought to be moved and many speeches made which could, with better grace, have come from the opposition rather than from the backbenchers. But I hope in course of time this phase will disappear. But the thing that worries me more is the desire manifested in certain quarters to force the hands of the ministry. This is based essentially on distrust of ministers' intentions for which there is hardly any justification. No one expected that ministers would have carried out the entire programme in six or seven weeks' time and yet this is what is charged against them. Complications are created by various kinds of people, e.g. in my Province the question of the National Flag is assuming an importance. In many schools and boarding houses students have by resolutions of their own put it up and the authorities, whether private or semi-official, have not interfered. In some cases,

however, there has been interference and trouble has followed. The other day the students of the G.B.B. College, Muzaffarpur, hoisted the flag and there was trouble, with the details of which I am not acquainted. The College was originally a private institution but for many years it has received large Government grants and yearly aid. A member of the I.E.S. is appointed its Principal and there is transfer and exchange of professors between this college and the Government College. The present Principal is Mr. H.R. Bhateja, a Sindhi, and a member of the I.E.S. I think we must definitely state that the National Flag should not be hoisted on any building the proprietor or the manager of which does not permit it. Apart from clashes, which its hoisting on unauthorised places causes, this action also brings the flag itself into disrespect. I have seen that in some districts the Bar Associations have passed resolutions for hoisting the flag on their buildings in the teeth of opposition of the Musalman members who being in the minority have walked out as protest. I do not understand what useful purpose is served by this kind of action.

Similarly the Bande Mataram song is objected to by some Musalmans on the ground that it is an invocation to Hindu goddess and in terms it means idol worship which Musalmans can never agree to. While there are Musalmans who do not look upon the song in this light, there is no doubt a feeling among them not to accept it as National Song just as many of them do not accept the tricolour as the National Flag. It seems there is going to be widespread opposition to the National Flag and the Bande Mataram song and this opposition gains strength from thoughtless and inopportune action of our workers and sympathisers at certain places. I think that in this connection also our policy should be laid down in unmistakable terms.

The position of the Kisan Sabha is becoming more and more anomalous. I understand that in my Province 61 members of the Assembly have submitted to the Prime Minister a signed representation regarding the Kisan demands. In the district of Muzaffarpur some meetings were held at which some Kisan Sabha workers, who are also prominent Congressmen, delivered speeches and in some of them resolutions were passed asking the members who had refused to sign the aforesaid representation to do so or to resign. This happened in two or three constituencies. I am not in possession of the details and have asked for them. This indicates the way the wind is blowing.

I do not propose to trouble you with a labour situation at Cawnpore. The Government has appointed a judge to deal with some cases of victimisation and he may deal with other cases if any arise. I suggested this to keep Committee free to tackle the larger question of wage-cuts etc. That inquiry is likely to be complicated if I am not troubled with these interim disputes. I may hope to be able to deal with it although the subject is unfamiliar.

The seat of the Senate of the Patna University was offered to me by Dr. Mahmood, the Minister of Education, and Mr. S. Sinha, the V.C. of the Patna University. Both of them pressed me hard to take it up. I referred the matter to Bapu who said that I should accept it and thus try through the University to give effect to our scheme of educational reform and I am a member now.

Ever since the last meeting of the Working Committee I have been overworked. What with the Frontier visit, the Cawnpore enquiry which has necessitated three visits in a fortnight to Cawnpore and Lucknow what with pressing engagements in the Province, I have not been able to attend to my correspondence regularly. Correspondence too is becoming more and more unmanageable. Last night I was returning from Calcutta where I had gone for a few hours on my way back from the coalfields when I felt thoroughly exhausted. Again I am expected tonight to go to Lucknow for a Conference which has been convened by the Governments of the U.P. and Bihar to deal with the question of sugar industry and sugarcane. This question also has a very great importance both to millowners and the sugarcane cultivators and I have been invited by the Government. With my experience of last night I am feeling somewhat doubtful if I should go there as I apprehend a complete breakdown of my health. But even if I am able to keep this engagement I propose to do nothing else after the 3rd October up to the 15th October except staying at some quiet place. On the 16th, 17th, 18th we have meetings of the Provincial Working Committee and the Kisan Enquiry Committee and from the 20th Cawnpore Enquiry Committee commences. So I fear it will not be possible for me to come to Gujarat. I hope you will please excuse me, and why should you require anyone else to do it? Trusting you are well.

Yours sincerely,
RAJENDRA PRASAD

I am enclosing a copy of a letter which I have issued to the leaders of Congress party in Bihar, Orissa and Assam. I think it would be well if you get similar reports from the other Provinces, also including those where the Congress is not in office. You may, if you approve it, issue similar letters to the other Provinces also.

After writing the above I have received your another letter. I am sorry I have to request you to excuse me. I am afraid I am not going to the Educational Conference at Wardha as the Cawnpore Enquiry Committee is to meet from the 20th onwards and is likely to take time. The Committee has, however, decided to stop its work for a few days to enable me to attend the meetings of the Working Committee and the A.I.C.C.

Enclosure not included.

473

Emerson to Linlithgow on Political and Communal Situation in Punjab

Linlithgow Papers

BARNES COURT, SIMLA, E.,
28 September 1937

[Secret]

No. F.L.-5.

MY DEAR LORD LINLITHGOW,

In Your Excellency's letter¹ of the 23rd of September 1937, you ask for information regarding Service feeling in the Province. It is, of course, not easy for a Governor to ascertain what the feeling is, since he cannot have full information without making enquiries which might seem to reflect on his confidence in the Ministry. Indirectly, however, one learns a certain amount from time to time. I should say generally that, so far as their own prospects and terms of service are concerned, European and Indian officers have full confidence in the Ministers, and especially in the Premier. The mutual relations are excellent, and this applies particularly to Secretariat officers. Sikander himself has told me that among some Indian officers there is a tendency to curry favour. There is also sometimes some difficulty regarding appointments on communal grounds, but so far this has amounted to very little. A Chief Engineer, for instance, told me the other day that communal considerations enter into almost every appointment, and that the Minister concerned is continually pestered by applications from his own community; but he added that the Minister had so far always accepted his advice. General questions relating to communal distribution of new appointments are settled by the Cabinet of Ministers. There has been only one case which might have caused trouble so far as I was concerned. This referred to a campaign against a Hindu Superintendent of Police in a district where there had been a communal riot. A very strong agitation was carried on against him by Muslims, who demanded his immediate transfer. This, however, was not taken up seriously when I pointed out the inadvisability of acceding to the demand. It is difficult to make an estimate of the feelings of the Services regarding the new administration as compared with the old. A succession of communal troubles has, I think, somewhat shaken the confidence of some senior officers in the

¹ See No. 467

ability of the new Government to deal quickly and firmly with serious trouble, but as yet there is hardly sufficient ground to justify grave misapprehension. There is a certain amount of uncertainty among executive officers of Government as to where the policy of isolation from political affairs ends, and their duty to Government as such begins. This uncertainty is due more to their own misunderstanding than to any action on the part of the Ministry. For instance, this morning I presided at the request of the Premier who was also present, over a conference representing the three districts of Jullundur, Ludhiana and Hoshiarpur. The Commissioner of the Division, and the Deputy Inspector-General, Police, of the Range, were present, and also the three Deputy Commissioners and the three Superintendents of Police. The object of the conference was to discuss the general situation in these three districts where there has been much communist and Congress activity during the past three months. The position is not really serious, but there seemed to be rather a policy of drift, and I suspected that the district officers were not receiving the support they were entitled to receive from administrative officers. The conference proved this to be the case, and the reason was largely due to a failure to appreciate the incidental effects of the new constitution. All Government officers have been enjoined to keep clear of party politics, and especially at the time of elections. In a circular letter issued by Government towards the end of June it was, however, explained that their duties and responsibilities *vis-à-vis* the new Government were the same as under the old one. It was also clearly stated that Government intended to deal firmly with movements subversive of law and order. I found this morning that several officers present, including senior ones, were in genuine doubt as to how far they could oppose subversive movements and at the same time obey the injunction not to get mixed up with party politics. The answer was fairly clear, though of course border line cases are likely to occur. Communism, for instance, is a subversive movement opposed to Government as such. It was fought under the old constitution, and the same reasons exist now for continuing to fight it. The mere fact that some persons have the additional incentive of spreading communism because it may embarrass the present Government is no reason at all why officers of Government should not openly use their influence against it, and especially by way of propaganda. None-the-less, officers have abstained from doing so because of the political aspect. I fancy this kind of misunderstanding exists in other districts, and I have suggested to the Premier that early in the cold weather a discussion with the remaining four Commissioners would be of value. Enlightenment is certainly necessary, for it is difficult for many officers to grasp the distinction between supporting a political party, and carrying out the policy of a

party when that party becomes the Government. In any case, border line cases are likely to be sufficiently numerous as to give rise to charges of political interference, but these have to be faced. Again, as I mentioned in my last letter, executive officers do not quite know where they stand in regard to the policy of Government towards communal disturbances, though difficulties will to some extent be relieved by a letter which has since [been] issued on my advice pointing out that, pending the decisions of Government on the proceedings of the Unity Conference, executive officers have to carry on as they have done in the past, and to regard as their main duty the preservation of the peace.

To sum up, I should say that there is no uneasiness among the Services regarding the treatment of Service questions in the Punjab, but that there is still some misunderstanding regarding the practical working of the new constitution, and a certain amount of misapprehension regarding its effects on law and order, especially from the communal point of view.

2. The reactions to the abandonment of the Lahore abattoir scheme were much as one expected. The Muslim press, forgetting that a short time before it had itself advised abandonment, regarded it as a concession to agitation. Extreme elements among the Hindus suggested pursuing the agitation in regard to existing slaughter houses, but one or two papers that advocated this course were told at once that, if they pursued it, action would be taken immediately against them under the Press Act. For the last few days I have seen nothing on these lines, and do not think that it would have any serious backing. Hindus and Sikhs were genuinely appreciative of the action taken by the Government of India, and while there was criticism on more or less side issues, there was, I think, a general feeling of gratitude. The subject is rapidly losing its interest as a public attraction.

3. The inevitable result of the abandonment will be to encourage public agitation on other issues that may arise, and this result will not be discounted until Government have dealt firmly with some specific agitation.

The occasion may come at once, since the Khalsa College is due to open today and there are signs that there will be a big agitation over the dismissal of some members of the staff. Government are not directly interested, but if, as is probable, *satyagraha* is attempted, Government will almost certainly be asked to give assistance to the College authorities. The matter may then easily become one of law and order. I am told that the Maharaja of Patiala is either giving lukewarm support to, or has withdrawn his support from, the Committee of Management.

The general feeling is that sooner or later there must be a fight between Government and the left wing of the Sikhs. This feeling has been increased by the publication by Master Tara Singh, the Akali leader, of a truculent letter addressed to the Premier. I attach a copy¹ of

the letter. Tara Singh is the brother of a professor of the Khalsa College, who has been dismissed and who has been at the bottom of trouble in the College for many years. It is, therefore, not improbable that the tug-of-war will begin at once. I hope that, in spite of the defection of Patiala, the Committee of Management will stand firm.

4. The Ministry had under consideration this week the enquiry from Delhi whether the Punjab Government would be prepared to supply electric power from the Mandi Hydro-Electric scheme. At first sight the proposal looked attractive, although the maximum rates cited by Delhi were much too low. From the Punjab point of view, they would contribute nothing towards the cost of generating power, but they would pay roughly the cost of the main transmission line through the south-eastern districts of the Punjab, provided always that the cost of material did not rise much above existing rates. The transmission line in turn might prove of great value to the Punjab, especially if tube-well irrigation proved to be practicable in that part of the Province. Our enquiry, however, has not gone sufficiently far to justify any conclusion that irrigation from tube-wells will be a practicable proposition. On the contrary, the present indications, which however are not final, are that it will not pay. In the circumstances, the Ministry rightly decided that they could not commit themselves to a scheme which might prove of very doubtful benefit to the Punjab, while it would deprive the Province of power for which in a few years there may be an adequate demand.

Yours sincerely,
H.W. EMERSON

474

Sapru to Subbarayan on Working of Congress Ministries

Sapru Papers

Private and personal

28 September 1937

MY DEAR DR. SUBBARAYAN,

Many thanks for your letter of the 21st of September which reached me yesterday at Banares. I returned here last night by my motor car.

I was taken very seriously ill in the early part of September but I am now free from all trouble though it will yet take me another week or ten days to regain my normal condition.

You ask me as to my reactions to the Congress government in the six or seven provinces in India. There is practically no touch between me and the Congress government here or in any other Province. I can, therefore, only form my impressions from outside either by reading the newspapers or by hearing from different sources reports of what is happening.

The impression left on my mind so far is that Madras and Bombay are showing greater stability than the remaining Congress Governments. I suppose that is because the outside control over the Governments in these two provinces is not so strict and rigid as elsewhere. I wish I could feel happy about what is happening here in the U.P. I am afraid we are in here for a serious class struggle or strife. Another feature, which is rather disturbing, is the scanty respect which is being paid in certain quarters for law and order. Cawnpore is in a state of ferment and both at Lucknow and here the students are terribly excited. They are coming out with their 'demands' and dictating to the Government and the Vice-Chancellors. All this is symptomatic of the new forces which are being let loose. One view is that all this is effervescence and things will settle down. Another view is that things are not likely to settle down easily. Only the future can show which of these two views is right.

You say that you are afraid that the reforms are going to be wrecked on the financial question. Probably you may be right. If the financial resources of the provinces were already limited, they are bound to become still more limited if you lost the excise revenue. I can understand an active campaign for temperance, but I do not share the moral fervour for prohibition and I have very serious doubts as to whether the resultant gain, either on the moral or the spiritual side, will be much. Of course, in every federal constitution there is a perpetual fight between the centre and the states or the Provinces on the question of finance and it is perfectly natural that the Provinces should feel that under the arrangements embodied in the Government of India Act the sources of revenue available for the Provinces are not so elastic or capable of development as those available to the centre.

I share the general feeling about Indianisation and reduction of military expenditure, but I do not think that in the existing circumstances any substantial economies in that direction are likely. I do not think that the Wedgewood Committee recommendations will seriously stand in the way of the Provinces and Government has repeatedly said that the Niemeyer Committee will be given effect to. As regards the income tax probably you being a member of the Government have much more inside information than I can pretend to possess, but my own view is that the policy which the Provinces are following, of losing the normal revenue and the fear they have of fresh taxation costing their

popularity, will probably be more responsible for their failure to carry out their constructive programme than the financial arrangements embodied in the Government in India Act. You will thus see that my mentality is very different from that of the Congress. Probably it is hopeless from your point of view. Frankly I do not attach much importance to some words which are being used in our political parlance. One of these words is 'wrecked'. I almost feel that the word "wrecked" has almost come to mean 'worked'. No government can hope to have the most ideally favourable circumstances for carrying out a programme of constructive reforms. It is through the imperfect conditions of life that it must approach its work. I do not say all this by way of criticism and I do not wish to annoy you, but I can not help feeling like this as I have never agreed with the line of criticism that has hitherto been adopted in regard to the constitution. There is a good deal in the Constitution to which I myself take an exception, but my point of view is not the same as that of the Congress.

I am reluctant to express my views in public and I would not have written to you either, but it is only fair to you that in response to your invitation, I must write to you frankly. This does not mean that I do not want the Congress Governments to remain in office, or that I do not wish them success in all that they are doing for the betterment of the people. This only means that I am not prepared to subscribe to the new doctrines that the Congress can commit no error or that it is a sin and a crime to criticise a Congress Government.

Partly my absence from the country and partly my ill health have stood in the way of my completing my book. I do not think that it will be available to the public until some time next year.

I hope you will treat this letter as strictly private and personal.
With kindest regards.

Yours as ever,
T.B. SAPRU

475

Nehru to Mirza Ismail on Suppression of Civil Liberties in Mysore State

AICC Papers, File No. G-88/1937

30 September 1937

I am venturing to address you on the subject of Congress activities in the Mysore State. For some years past many restrictions have been placed on the normal work of the Congress organisation in Mysore State. During the past year a large number of references have been made to me about additional restrictions placed on prominent Congressmen and others who either visited Mysore from abroad or are residents of Mysore. I have before me a long list of various orders suppressing civil liberties which have been issued by officers of Mysore Government during this year 1937. I have also copies of some of these orders and of ordinances and police notifications issued in the state, I do not, at this stage wish to put these in detail before you. You are no doubt aware of their contents and of the action taken by the officers of the state. But the text of these orders makes it clear that they are directed against those who do any kind of Congress work, however normal and constitutional it might be. The fact that a person is in sympathy with the Congress is held against him. The desire of a Congressman to "popularise the establishment of a local Congress committee" is held to be something approaching an offence. Meetings have been prohibited over wide areas and a regular campaign against the national flag instituted. All this shows that the Mysore Government is inspired by a spirit of hostility against the National Congress and the national movement. As President of the Congress, I cannot ignore such happenings wherever they might occur. I am therefore taking the opportunity of writing to you to find out directly from you what the policy of the Mysore Government is in regard to the Congress and what it is going to be in the future. We have to fashion our own policy accordingly.

Mysore has often been said to be a progressive state but the facts that have been placed before me go to show that in regard to the suppression of civil liberties it is one of the most backward states in India. Even in parts of Rajputana, which are otherwise far more backward, there is a greater measure of civil liberty than what prevails at present in Mysore. The attitude of the Congress towards the Indian states is well known. We seek to carry out normal constructive and organisational work in a constitutional manner there. We have no desire to invite conflicts. But it

seems to me that the Mysore state is desirous of preventing us from carrying on this normal work even at the risk of conflict. I should like to be clear on this issue before I advise my colleagues in Mysore and Karnataka as to what they should do.

The Congress is not only a great national organisation but it happens to be connected intimately today with the provincial governments of Bombay and Madras as well as some other provinces. I do not know if the Mysore state desires to cooperate with these provincial governments which adjoin its territories, or has no such desire. These governments must inevitably be affected by the attitude of the state towards the Congress.

I shall thank you, therefore, if you will kindly let me know whether Congress work can be carried on in its entirety in Mysore state, whether Congress leaders and workers from outside can visit the state in furtherance of this work, whether Congress committees can be organised in the state and Congress members enrolled and whether the national flag can be exhibited in the state at Congress functions and on such private buildings and cars on which the owners desire to put it up.

I might add that the national flag is not used or exhibited in token of any hostility to the Mysore state flag. It is the flag which represents the idea of Indian freedom and Indian unity.

I shall thank you for an early reply.

Yours truly,
JAWAHARLAL NEHRU

476

Nehru to Chief Commissioner, Delhi, Regarding Seizure of Independence Day Pledge by the Police (Extract)

AICC Papers, File No. P-9/1937

1 October 1937

I am informed that sometime ago a notification was issued by the Delhi Government declaring forfeit any copy of the Independence pledge of 1930 of the Indian National Congress. This pledge has been and is widely in use in the whole of India and I am not aware of any other Government taking such action against it now. In seven province of India the Provincial Governments are themselves committed to that

pledge and have accepted office on the basis of it. It seems rather anomalous therefore that in the Province of Delhi the same thing should be considered an offence which is not only permitted elsewhere in India but is actively encouraged by various Provincial Governments. I would therefore request you to consider the withdrawal of the notification in question.

This Independence pledge appears in various books which give a historical record of recent political events in India. I do not know how far these books also come within the ban, but I am informed that some of these books have also been seized by the Police. This suppression of historical and current literature seems to be extraordinary. History, if it is to teach any thing, must deal with the facts as they are and not with distorted versions of it. As some of our official Congress publications give this Independence pledge, I shall be grateful to you if you will let me know what your present policy is in regard to them.

477

Deputy Secretary UP to Home Secretary Forwarding Resolution on Constituent Assembly

Reforms Office Papers, File No. 87/2/37 G & K.W.

2 October 1937

Subject:-Resolution passed by the U.P. Legislative Assembly about a Constituent Assembly

SIR,

I am directed to submit for the information of the Government of India, a copy, with two spare copies of the resolution passed by the United Provinces Legislative Assembly, on the subject of a Constituent Assembly. The debate on the resolution will be found on pages 185-232, 256-287, 1548-1598, and 1646-1673 of the enclosed copies of the Legislative Assembly proceedings of September 4 and 6, 1937 and October 1 and 2, 1937 respectively¹. English translations of the speeches in Hindi and Urdu are also enclosed.¹

I have the honour to be,
Sir,

Your most obedient servant,

S.H. ZAHEER,
Deputy Secretary

¹ Not printed

478

*Alington to Bartan Cautioning Against Strong Line of Action Towards Congress
in Small States*

*Crown Representative Records
Central India Agency, F. No. A-245/1937*

5 October 1937

DEAR COLONEL,

As regards Orichha no reply seems necessary at present as Mr. Fitze expects shortly to have a personal discussion with the Maharaja, upon whose attitude much would depend.

Datia is a more difficult proposition as it is so close to Jhansi and the Qazi has long been a special target for Congress wrath. If Sadhu Ram was really preaching non-payment of rents and taxes Mr. Fitze considers that his arrest is fully justified. It appears that he is a Datia subject. Otherwise expulsion from the State might have been preferable to arrest and imprisonment.

I am to say, that in Mr. Fitze's opinion, it would hardly be wise or practicable, in view of the present position of Congress in British India, to take any action which would amount to declaring it an unlawful organisation in any state. It would be preferable to concentrate on keeping its activities within reasonable bounds, and from the letters addressed to Orchha Darbar on 11th September in which an enquiry was made about "rules & regulations" so that Congress workers "might be informed accordingly", it seems that there is some disposition to cooperate in that direction. As to the nature of the necessary limitations Mr. Fitze thinks that it may be helpful to you and the States concerned to know how such matters are controlled at Indore, where there has long been a Congress committee in the city, though its establishment does not officially seem to have been recognised. There are standing orders to the effect that no processions or public meetings should take place in Municipal limits without the sanction of the District Magistrate or Inspector-General of the Police. With the exception of a few organisations recognised to be harmless (which do not of course include the Congress) no speaker from outside the State is allowed to address a meeting organised by Congress, or any ceremony such as flag salutation (which is perhaps more obviously objectionable in a State than in British India) would be allowed in Indore. You will probably have seen in the Press that this form of propaganda has been prohibited in Mysore.

I am, however, to point out that it is most undesirable to lay down restrictions and regulations unless the State has the machinery to enforce obedience thereto and that the only proper agency for this is the Police, it being essential not to call out the Military unless there is in imminent danger of a serious riot.

As the Congress seem to be directing their activities to quite a number of States in Bundelkhand, I am to suggest that you might consider the advisability of arranging for the Dewans concerned to meet with a view to concert a uniform plan of action which might include some steps to enhance the loyalty and contentment of State subjects. It would of course not be proper for the Political Agent to be openly associated with any such meeting, but Mr. Fitze thinks that no opportunity should be lost of impressing upon Rulers and Dewans the grave possibilities inherent in the present situation and the vital necessity of remedying legitimate grievances.

Yours sincerely,
N.S. ALINGTON

479

Nehru to Gopichand Bhargava on Intensive Repression in Punjab

AICC Papers, File P-17/1937

ALLAHABAD, 5 October 1937

MY DEAR DR. GOPICHAND,

I am greatly distressed at the continuous and intensive repression that is going on in the Punjab. I do not see how we can offer any cooperation whatever to a government which is carrying on in this way. I do not want to come to any decision before examining all the facts and consulting our colleagues in the Punjab. I am reaching Garhdiwala for the conference on the 11th morning. I hope I shall meet you there. On the 13th I shall be in Lahore.

I was surprised to see a statement issued by Chaman Lal the other day in fulsome congratulation of Sikandar Hayat.¹ There was not a mention in this of the repression going on. The Congress cannot act in this way.

Yours sincerely,
JAWAHARLAL NEHRU

¹ This refers to the statement of Dewan Chaman Lal congratulating Sikandar Hayat Khan for taking a sympathetic attitude towards the proposed Unity Conference.

480

*Hallett to Linlithgow on Working of Congress Ministry in Bihar**Linlithgow Papers*

5 October 1937

MY DEAR LORD LINLITHGOW,

This report is rather later than usual, as a result of my move to Ranchi. I enclose as usual a copy of the Provincial report which has not yet been approved by the Hon'ble Prime Minister. If he makes any changes of importance, I will let you know. I have also not yet seen the report of Commissioners on which it is based; if they contain anything of interest, I will let you know.

2. Legislative Assembly—The Assembly was prorogued by me in person on Monday last. I was given a very polite reception, and there was a good attendance. I arrived immediately the business of the day was concluded—and every one rose in their seats on my arrival. They listened to my speech—of which I enclose a copy—and there was no attempt either in the House itself or in the galleries to interrupt me. I mention the galleries because I see that the Speaker had on one occasion to draw attention to the attempted interference in the debate by visitors. My speech was as you will see colourless and I felt it better on this the first occasion to avoid any reference to question of policy and to confine myself to suggestions about procedure which for reasons stated in the speech is not entirely satisfactory. I could not refrain from a mild reference to the threat of civil disobedience made by the landholders, a threat which I do not regard at present with much apprehension.

3. The Session has ended satisfactorily, and as the official report says, there has been very noticeable progress of the assimilation of parliamentary procedures. The Ministry have not given way on any important points; they accepted two resolutions, one regarding the separation of judicial and executive functions and the other for the appointment of a committee to enquire into the administration of the Santal Parganas. I do not anticipate... from either of these decisions. Separation of judicial and executive is a... which is rather out of date, as the Prime Minister in Madras has said, and though my Ministers do not quite agree with that, I do not think they will do anything to lessen the power of the District Magistrate to maintain law and order. Complete separation would be an expensive measure as my Ministers, realise, but if the District Officer is relieved of some of his criminal work, it will have the desirable result that he will be freer to deal with... matters such as 'village uplift and

tenancy questions. In regard to the administration of Santal Parganas, I do not think anything radical will be done as my Prime Minister has assured me that he recognises desirability of maintaining the present system of village headman and of avoiding any measure which will tend the exploitation of the Santal or dispossession from his lands.

4. In regard to the Budget, the most important speech from certain points of view was that by the Prime Minister on the police, of which I have already sent you a copy. The Finance Minister was unfortunately ill and could not take part in the debates.

5. As the official report shows, attention was mainly devoted to the Tenancy Bill and to the resolution regarding the tax on agricultural incomes about which I have already given you some information. Possibly it was rather a mistake to put forward the taxation proposals at once, but I felt that it was desirable to put forward the taxation proposals in the form of a resolution in the first instance, and not in the form of a Bill which was my Ministry's original proposal to me. This gives more time for consideration of the whole matter. In regard to the Tenancy Bills I have already given my opinion. The landholders have taken exception in particular to the section which makes it possible to sell, for arrears of rent, a portion not the whole holding, to which I can see little or no objection. They do however claim, and with justification, that they must be given facilities for the realisation of rent if they are to be able to pay land revenue plus a tax, and this is a point which my Ministers are considering.

6. I have had an interesting talk with Sir Ganesh Datta Singh, who during this Session has played the part of an "elder statesman" and is one of the leaders of the Opposition. I congratulated him on the fight the Opposition had put up, which I thought was a satisfactory indication of the development of parliamentary Government, a point which I tried to make in my speech proroguing the Assembly. He said that they were feeling some difficulty as the burden fell on two or three members, and I am afraid from this statement that as usual in this Province, the caste and communal dissensions may hamper the formation of an effective Opposition.

7. Relations with Ministers. — I have during the last week seen six out of the eight Parliamentary Secretaries and was on the whole favourably impressed by them. They seemed grateful for the privilege of an interview with me and discussed topics concerning their constituencies and departments freely and reasonably. I have referred to the resolution about the Santal Parganas which is of course a partially excluded area and the Parliamentary Secretary, who is chiefly responsible for this resolution, seemed to be both intelligent and reasonable. My present opinion is that the system of Parliamentary Secretaries is working well,

but it is yet rather too early to give a definite opinion. They have not let us down in their speeches or replies to questions.

8. My Ministers continue to be friendly. I have alluded in another letter to the fact that my Prime Minister told me *suo motu* that he understood that I was under the impression that they would not accept hospitality from me, that was incorrect and not in accordance with their instructions (this seemed to me incorrect) and that they would come to a meal if I invited them. I think the dinner given by the Governor of the Central Provinces has influenced them, but I also believe that some non-Congress politicians such as Mr. Sachchidananda Sinha and Sir Ganesh Datta Singh may also have had some share in this decision. Whatever the reason, the position is satisfactory and I have asked them all to dinner on October 28th, which happens to be my birthday; the better the day, the better the deed!

9. I am not in a position at present to give you or the Secretary of State any more information about Service feeling. I have already dealt with this question in paragraph 8 of my letter of 3rd September 1937, while I have referred earlier in this letter to my Prime Minister's speech on the Police Budget. There are no signs of any attack on the Services and I feel that relations between the Ministers and the Services will gradually improve. The Secretaries to Government have had a trying time, but have stood up to it well and I do not think there has been any undue interference with officers in the districts. I do not quite like these constant attacks on corruption in the Services, in particular in the Police. These may be inspired by a wish to show the incompetence of the old bureaucratic regime, and I accept with gratitude the statement made by my Prime Minister that blame is also on the general public. I have still reports of the establishment of Congress Thanas, but here again I feel that if I can keep my Ministers straight, no serious difficulties will arise.

10.. Political Prisoners.—Of the prisoners mentioned in my last report three, if not four, have been released quietly and without any attempt at demonstration. They were sent to the jails in their home districts, released at night, (the time being known only to the Superintendent of Police and Jail Superintendent) and sent by taxi or other vehicles to their homes. This is satisfactory. More cases have come under consideration including the cases of some who have returned from the Andamans. Of the non-Andaman prisoners, three had been convicted of conspiracy to commit dacoity, but had not committed any overt act. They were not connected with any other gang of terrorists, and appeared to be unemployed bhadralog who attempted to adopt the methods of terrorists. I do not think any grave risk is involved in their release, but I suggested that they should not be released simultaneously and should be sent to their homes. The other case was more doubtful,

and the accused was a leader who lost his right arm as a result of a bomb explosion. He has served only about five and half years out of ten years, but is said to be ill in jail. I suggested in his case that he should only be released if he got some one to stand surety for his good behaviour. I do not know if the Prime Minister will accept this suggestion.

11. Of the Andaman prisoners, two took part in a political dacoity, one a minor part, and if they had stayed in a jail in India, would have been released in a few months. The other three were accused in the Gaya Conspiracy case, a case in which 16 or 17 persons are convicted after confessing to the conspiracy. In this as in other cases in this Province no overt act was committed and no bombs were manufactured or used. The sentence passed on the accused, after this confession, was rather higher than Government even at that time thought necessary and as all the other members of the conspiracy have given no trouble since their release, it again appeared to be a case in which I could not take objection, provided the usual conditions were fulfilled and they were released on different dates.

12. I trust you will not think I have gone too far in this matter. These cases are extraordinarily difficult, but my Prime Minister is on the whole not unreasonable and so far there has been no obvious bad results. I have more difficult cases in front of me, but I shall try and delay orders so as to see more definitely the result of these releases and the behaviour of the Andaman prisoners now in Hazaribagh jail.

13. Communal and Agrarian Affairs.—I have nothing to add to what is said in the official report. There is still some apprehension of communal trouble in Gaya at the time of the Dassara festival, but necessary precautions have been taken. The crops this year should be good as the rainfall has been pretty steady and we have had very valuable rainfall during the last week. The cyclone which did damage in Calcutta came on to Patna where many trees were uprooted, including six in my compound. Two barges or flats belonging to the Indian General Navigation Company were sunk, but no loss of life.

Yours sincerely,
M.G. HALLETT

481

Nehru to Political Secretary to Maharaja of Orchha on Insult to National Flag

AICC Papers, File No, G-87/1937

6 October 1937

I have received a report from Pandit Rameshwar Prasad Sharma stating that Congress workers were beaten and the National Flag insulted and burnt in Tikamgarh State. As you have previously addressed me regarding Pandit Rameshwar Prasad Sharma I presume that you are well aware of these developments that have taken place. I have so far not received any details but the matter is serious from our point of view and any insult to the National Flag cannot be tolerated by us. I propose to send some persons to Tikamgarh State to enquire into this matter and report to me. I trust that no difficulty or obstructions will be put in their way. I shall be grateful to you if you will let me have the official version of what has happened.

482

Anderson to Linlithgow on Repatriation of Andaman Prisoners and Tenancy Reforms in Bengal (Extract)

Linlithgow Papers

6 October 1937

MY DEAR GOVERNOR-GENERAL,

On the question of the Andamans prisoners it was decided in Cabinet to announce in the Legislature that Government had adopted the principle of repatriation and were in fact repatriating some 30 or 35 at once; as regards the remainder, Government had not come to any decision regarding the rate at which they would repatriate them or the order of priority, and were arranging a conference in which the practical aspects of the problem could be explained. The conference duly took place with the Home Minister presiding and the practical difficulties of the situation, as already explained to you, were stated. The general impression created was, however, that if the first batches behaved themselves, the Ministry intended to repatriate most, if not all, when the

Dum Dum Jail was completed: the opposition leaders undertook to use their influence to secure good behaviour on the part of the repatriated prisoners. The Congress press is of course continuing agitation for release and drawing comparisons with the United Provinces, but on the whole the conference has not had a violently bad press, and it may be fairly assumed that the Opposition do not want to create troublesome agitation about this at the moment especially with the approach of the Pujas.

There are continued indications that the Congress opinion in Bengal is disorganised for want of a coherent policy. While the Congress Party in the Assembly, on the plea of attempting to benefit the actual tillers of the soil, supported extremist amendments to the Tenancy Bill in the hope of splitting the Ministry's support, the Congress controlled Press is clearly nervous about the Permanent Settlement and the interests of the Hindu middle classes: when the Bill reached its final stages, the leader of the Congress Opposition condemned it on the specious ground that it did not go far enough, but was put in an awkward position when the Ministry arranged for a division to be called: the result was that the Congress could not vote for the Bill and dared not vote against it. They are also having internal trouble over the question of the surrender by Congress legislators of the bulk of their salaries to Congress funds. The policy of supporting labour trouble showed signs of recoiling on their own heads when an electric strike was threatened in Calcutta, the latest moves have made it clear that the Congress supporters of political labour would be glad to get out of the dilemma with regard to the threatened strike and save their faces....

Yours sincerely,
JOHN ANDERSON

483

Representation to AICC on Plight of Hindu Minorities in East Bengal

AICC Papers, F. No. 5/1937

7 October 1937

We, the undersigned, on behalf of the people of Rajshahi District beg to thank you for your decision to hold a joint session of the Working Committee and the A.I.C.C. at Calcutta by the end of this month. We

take this opportunity to invite your kind attention to the serious Muslim aggressions on the religious, social and the civic rights of the minority Hindus in North and East Bengal. The aggression has reached such a state that it threatens the honour, prestige and sanctity of the Hindu womanhood in the distant villages. The situation has been aggravated by the rise in power of the Muslims in the Ministry who unhappily rule over Bengal. Muslim police officers, Magistrates and Union Board Presidents everywhere combine against the minority Hindus and deny them the protection of law and justice.

Everywhere there is a talk of the advent of Muslim Raj in Bengal. To illustrate our points we may refer to a meeting held in the Islamia College, Calcutta where a resolution was adopted exhorting the Muslim Ministers to extend Muslim domination over Bengal. The Muslim newspapers like the *Azad*, the *Hanafi* and the *Star of India* are spreading violent anti-Hindu feelings. Every Muslim action good, bad or indifferent is supported and applauded by these scribes. The Chief Minister Mr. A.K. Fazlul Haque is the high priest of communalism. His wild outbursts against the Congress are well known to you all. His letters published in the press addressed to his "Brothers-in-faith" breathe the same spirit of anti-Hindu bias. Congress demonstrations are at once seized upon by Mr. Haque.

About two months ago a Congress demonstration was held in the Park Circus, Calcutta which was presided over by Sm. Jyotirmoyce Ganguly; some Muslim rowdies created disturbance in the meeting and rushed to snatch away the National Flag which was however rescued honourably.

The Rajshahi College incident is probably fresh in your minds. The arbitrary order of Mr. Haque has resulted in the exclusion of the Hindu students from the Hindu hostels. Many abductions of elderly Hindu women by the Muslims have taken place in the interior. Some cases ended in conviction of the Muslim accused persons; other cases could not be proved in court as the majority Muslims coerced the witnesses. The woes and cries of the unfortunate Hindu women are rending the sky of Bengal.

There are many instances where Muslim police officers have refused to record the "Ezahar" of the Hindus against the Muslims where the Muslims are accused of abductions and rape. Innumerable places of Hindu worship, temples and holy deities have been desecrated by the Muslims. Within the last 7 months 21 cases of such desecration were reported in the press in the Sirajgang Subdivision alone. None of these cases ended in the conviction of the accused persons. The Divisional Commissioner went to enquire but his report has not been published.

No preventive or special measures have been taken by the Govern-

ment to protect the minority Hindus from Muslim outrage. Needless to say that the Muslims got encouraged and two more cases of desecration have recently been reported in the same Sub-Division. Several fresh cases of desecration have been reported from Barisal & Chittagong. The culprits have not yet been traced; the Government is maintaining a rigid silence. Fancy, a mosque or a church being defiled, the Government will be at once upset and the whole machinery will be set in motion to find out the culprits.

Now the position is that the minority Hindus can not any longer tolerate these outrages. As the Bengal Hindus do not mean to forsake their religious and social rights and liberties, they can not but devise ways and means to combat the evil and safeguard them.

Left alone, the minority Hindus can fight the Muslims; the Muslims are neither bold nor organised. Only the Government support has stiffened their back. The Government is playing the Muslims against the Hindus in order to checkmate the Congress in Bengal which is run by the Hindus. So the safety of the Bengal Hindus is synonymous with the safety of the Congress movement here. The Congress is pledged to give protection to the minorities, their religion and language. The suffering and sacrifice of the Bengal Hindus for the Congress movement need not be mentioned here.

Under the circumstances, are not the minority Hindus entitled to seek the Congress protection? Bengal Congressmen have not so far raised their voice against the Muslim aggressions. Like blushing maidens they shrink from raising any protest in the Assembly or outside it for fear of being called communalists. The Muslims have fully exploited this weakness of the Congress Party by pursuing their aggressive policy unabated.

In this connection we think it our duty to warn you that all peace or arbitration proposals will fall flat upon the Muslims. There is no proper atmosphere for peace or unity. There can not be any unity between the strong and the weak. Unless there is a complete change in the angle of vision of the Bengal Muslims, no conciliation is possible between the two communities. Such a change can only be effected by the Muslims joining the Congress unconditionally; but the Government and the interested parties stand in the way.

We earnestly request you not to add insult to the injury of the minority Hindus by asking them to conclude any dishonourable pact with the Muslims.

Now you may ask us to suggest a remedy. We humbly suggest that the Congress organisation in Bengal should be made stronger and put itself in contact with the masses. Incessant Congress propaganda will educate the masses and will gradually succeed in changing the Muslim

mentality. Another remedy lies in taking up the cause of the Bengal minority Hindus by other Provinces where Congress Ministry is in power. Provinces like U.P., Bihar, Bombay, Madras, C.P. and Orissa have given protection to the interest of the minorities. So it is in the fitness of things that these Provinces should take up our cause and insist upon the Central Government to direct the Bengal Government to protect the minority interest. In our humble opinion such a step will have a tremendous effect. The cause of the Andaman political sufferers was rightly taken up by the Working Committee and the Provinces with the result that the Bengal Government has been compelled to yield.

We beg further to point out a serious danger ahead. If unfortunately the Congress do not come forward to help the Bengali Hindus in their plight, we are afraid, that the Terrorist Party may make their influence felt soon as they think that the Government is really at the root of this mischief. It is natural that you will be tempted to test the truth of these statements contained herein; you are at liberty to forward the copies of these petition to the B.P.C.C. and to S. Sarat Chandra Bose, Congress leader, Calcutta. We are sure, they will bear us out.

Finally we earnestly request you to give your serious consideration to the Bengal situation and raise the matter in the meetings of the W.C. and the A.I.C.C. or take such other steps as you may deem proper.

We have great confidence in your sense of justice and political foresight and trust that you will boldly handle the situation and give relief to the minority Hindus so that we can whole-heartedly fight for the Independence movement.

Signed by
nearly 110 people

484

Iqbal to Jinnah Insisting on League Having no Compromise on Amending the Communal Award¹

7 October 1937

MY DEAR MR. JINNAH,

A strong contingent from the Punjab is expected to attend the Lucknow Session of the League. The Unionist Muslims are also making preparations to attend under the leadership of Sir Sikandar Hayat. We are living in difficult times and the Indian Muslims expect that your

¹ Jamil-ud-Din Ahmed, *Historic Documents of the Muslim Freedom Movement*.

address will give them the clearest possible lead in all matters relating to the future of the community. I suggest that the League may state or re-state its policy relating to the communal award in the shape of a suitable resolution. In the Punjab, and I hear also in Sind, attempts are being made by misguided Muslims themselves to alter it in the interest of the Hindus. Such men fondly believe that by pleasing the Hindus they will be able to retain their power. I personally believe that since the British Government wants to humour the Hindus who would welcome the upsetter of the communal award they (the British Government) are trying to get it upset through their Muslim agents.

I shall prepare a list of 28 persons for the vacancies in the League Council. Mr. Ghulam Rasool will show you this list. I do hope that this choice will be carefully made. Our men will leave Lahore on the 13th.

The Palestine question is very much agitating the minds of the Muslims. We have a very fine opportunity for mass contact for the purposes of the League. I have no doubt that the League will pass a strong resolution on this question and also by holding a private conference of the leaders decide on some sort of a positive action in which masses may share in large numbers. This will at once popularise the League and may help the Palestine Arabs. Personally I would not mind going to jail on an issue which affects both Islam and India. The formation of a Western base on the very gates of the East is a menace to both.

With best wishes,

Yours sincerely,
MUHAMMAD IQBAL

P.S.

The League should resolve that no province should come to any understanding with other communities regarding the communal award. This is an all-India question and must be settled by the League alone. Perhaps you may go further and say that the present atmosphere is not at all suitable for any communal understanding.

485

*UP Governor to Viceroy on Congress Ministry's Proposal for Khaddar
Uniforms (Extract)*

Linlithgow Papers

7 October 1937

4. The whole question of the relations between the Congress organisation and the district authorities is still somewhat unsatisfactory, and I am awaiting the arrival of the Premier in Nainital to try and carry this matter a stage further. I have made certain definite suggestions to him for instructions to be issued. My general idea is that the district authorities and the local Congress organisations should, as far as possible, go into complaints locally and try to ascertain the facts and settle them on the spot instead of sending so many complaints to headquarters. But if this idea, which is welcomed by the Premier, is to work satisfactorily, both sides ought to have a clearer conception of their respective relations, and I want to discuss with the Premier the issue of some authoritative statement about these relations. On the whole I hope these difficulties will gradually subside. But there is no doubt that there has been a good deal of deliberate effort on the part of Congress workers to discredit the authority of the police, and that the police to some extent feel that their position has been weakened. My impression, however, is that this process has not gone dangerously far and that from now onwards we ought to be able to arrest it.

5. The students of the Province show signs at the moment of having been carried off their balance by the new political developments. There was in particular a very disgraceful outbreak in Lucknow, when a mob of University students invaded a cinema, behaved in an outrageous manner and resented even the appearance of the police. For a day or two the students were very much out of hand, but their behaviour turned public opinion against them. They have in effect asked that the enquiry which was originally being held at their instance should be dropped, and I am told that a great many of them are ashamed of themselves. Here, again, the mild methods of the Ministry seem to be keeping the situation within bounds. There is no doubt that public opinion shows signs of being a real force, and that it no longer flows automatically in a single channel as it used to so often in opposition to the old type of Government.

6. I have addressed Your Excellency separately about further developments in connection with the release of the remaining political

prisoners who have been convicted of crimes or conspiracies of violence. The case of Dublis, one of the two remaining Kakori prisoners, is causing some difficulty. He has now arrived from the Andamans and has been lodged in the Benares jail. He is due for release in the ordinary course at the beginning of November. He shows signs of not being prepared to give the assurances on which I have been insisting. I am awaiting further conversations with Pant when he comes to Nainital.

7. I mentioned some time ago that the reduction in the travelling allowance rates which the Ministry were contemplating seemed to me to be reasonable. The examination of these proposals has now been completed and orders are about to be issued. The railway rate has been reduced from $1\frac{3}{5}$ to $1\frac{1}{2}$, the daily allowance for first class officers from Rs. 5 to Rs. 4-8-0, and the mileage allowance from six annas to four annas. The latter is the most substantial reduction, but on the information at present before me I am disposed to think that four annas is not an unreasonable rate. Certainly six annas was appreciably too high.

8. The legislature has been in session throughout the fortnight. A resolution which attracted some attention was that relating to khaddar. In its original form it proposed that all Government uniforms should be made of khaddar and that the police should be given caps of Gandhi pattern. I discussed this resolution at a Cabinet meeting before it was taken up in the Assembly. The Ministry proposed to get the resolution modified by saying that uniforms should be of khaddar "so far as possible" and eliminating the proposal about Gandhi caps. In this form the resolution was really innocuous and was passed unanimously.

486

Representation to AICC Regarding Attitude of Bengal Congress Legislators to Tenancy Amendment Bill (Extract)

AICC Papers, F. No. P-5/1937

8 October 1937

...A peculiar situation has arisen in Bengal in relation to the Moslem mass and the Moslem Congress workers which ought to be brought to your notice for adoption of proper remedial measures.

Almost all the Moslem and the Scheduled Caste Members in the Bengal Legislative Assembly have combined into one party and are

voting jointly. The Ministers who are ostensibly leading this coalition-party finding that majority of the Members of this coalition group are Mussalmans, are utilising the old weapon of Communal cry to keep them united. But if one would scrutinise, it will be evident beyond any doubt that it is really the economic tie which is keeping the Mussalman and Scheduled Caste Members into one group. These Members come from the poorer class and belong to tenantry. They have distrust in the upper class who had been exploiting them. Bengal Congress up till now had not been able to inspire confidence in the poorer classes.

Particularly, the Mussalmans have absolute distrust in those Congress leaders who did belong to the Congress Nationalist group. The Mussalmans will never agree to work under the leadership of Nationalist Congress leaders . . . Leadership of the Congress party in the Legislatures should be with those in whom the Mussalmans and the Scheduled Castes have also faith.

We are approaching you to-day, particularly, in connection with a difficult situation created for the Congress Moslem workers by the attitude of the Congress party in the Assembly concerning the recent Bengal Tenancy Amendment Bill.

The amendment in the Tenancy Law undertaken in the Bengal Tenancy Amendment Bill, though not a quite ideal one, is certainly a pro-tenant legislation and it has removed some of the crying grievances of the tenants. Further legislation may hereafter be undertaken for better improvement of the lot of the tillers of the soil. After all, the mass in general has welcomed this Tenancy Amendment Bill. In the Third Reading of the Bill, the Congress party (*en bloc*) did not vote for the Bill which was stoutly opposed by the landlords and the European group. Propaganda is being carried on and a firm impression is gaining ground that the Congress party did abstain from voting in favour of the Bill in the Third Reading to strengthen the claim of the landlords before the Governor to withhold his assent to the final passing of the Bill into Act.

This action of the Congress party is creating a firm impression that they are really in sympathy with the landlords, and their leader is in league with the landlord group, and that this move is only to strengthen the hands of the landlords with the Governor. Already the atmosphere is sufficiently communally poisoned to make the Moslem Congress workers' position extremely difficult, and this recent action of the Congress party has made our position very precarious. We are being ridiculed that we are working for a Party in Bengal who are pro-landlord in disguise, and are in secret sympathy with Zamindars. The Ministers' party is taking the whole credit of the tenancy law, and the Congress is being depicted as opposed to the interest and right of the tenants and being in secret league with the landlords and the capitalists.

Various current rumours are in the air that the leader of the Congress party in the Assembly is in league with the Zamindars group in the Ministry and in the Assembly.

... We would request you to take the matter into your hands and give clear direction to the Members of the Upper House to support the right of the tenants.

We entreat you to firmly tackle the Bengal situation and make the Bengal Congress a mass organisation and not a political organisation in the hands of the communalist leaders.

Signed by
10 persons

487

Mirza Ismail to Nehru on State Government's Attitude Towards Congress Activities

AICC Papers, File No. G-88/1937

8 October 1937

DEAR MR. JAWAHARLAL NEHRU,

I write to acknowledge with thanks the receipt of your letter¹ of the 30th September last, on the subject of Congress activities in the Mysore state.

Before replying to the points raised, I should like to say that I am much obliged to you for adopting the method of direct approach. We are, I believe at one in the objective of our work, namely the good of India, and in the furtherance of that purpose, it is extremely important that we should cooperate where we can, where we differ we should agree to define the sphere of our differences.

Now to come to your concrete question. I should like to assure that the Government of Mysore is not inspired by a spirit of hostility against the National Congress nor does it wish to put any obstacles in the way of normal constructive work of an all India character that is carried on in a constitutional manner.

On the other hand, we cannot tolerate subversive agitation under which head I include attacks on the constitution in general and on the position of our Ruler in particular. The position of the Congress in so far as our internal politics are concerned should, therefore I consider be that of our friendly neutral.

¹ See No. 475

As regards the Congress Flag we have no objection to its use at Congress function or on private buildings or cars. But we cannot permit it to be used in places or on occasions for which the State flag is the appropriate emblem.

While I have endeavoured above to define our position as clearly as I can, I am sure you will recognize that in the new situation in which we find ourselves, there is considerable room for differences of interpretation and for mistakes on the part of your colleagues and my subordinates. At the same time in considering the action to be taken in regard to Congress workers, we have to be guided by what we know of their past record and utterances. There is thus everything to be gained by a policy of reasonable restraint on both sides.

I am hoping to make a public announcement of our policy at the opening of the Representative Assembly on the 16th instant, and trust that it will serve to clear away many misunderstandings. I shall give myself the pleasure of sending you a copy of the same.

Again thanking you for your letter,

I am,
Yours truly,
MIRZA ISMAIL

488

Political Secretary, Orchha to Nehru: Denying Disrespect to Congress Flag and Beating of Volunteers

AICC Papers, File No. G-87/1937

9 October 1937

DEAR SIR,

I confirm our telegraphic correspondence as below:-

Your telegram dated the 6th October, 1937:-

"Am informed by Rameshwar Prasad Sharma that Congress Workers beaten in Tikamgarh State National flag insulted burnt request your explanation serious charges propose sending representative for enquiry".

My telegraphic reply to the above dated the 9th October 1937, "Your telegram received Rameshwar Prasad Sharma story highly coloured and mostly untrue. Allegation regarding Flag altogether baseless letter follows".

2. The subjects of Tikamgarh State are satisfied with its administration and His Highness the Maharaja is very sympathetic towards them.

They, therefore, do not want any outside agency to intervene in their affairs. Pt. Rameshwar Prasad Sharma, however sent a batch of about a dozen Congress volunteers to Tikamgarh on the 30/7/1937, when the public of the town remonstrated with them and requested them to go back. The Congress volunteers however seemed to be bent upon creating a scene and trouble might have ensued but for the timely arrival of the police who kept the people in check. The Congress volunteers were subsequently sent back beyond the state limits on a lorry. The story that they were beaten and the Congress flag was insulted or burnt is a pure lie.

3. I may also inform you that the aforesaid volunteers or some of their friends are said to have lodged an altogether maliciously false report at the Mahrauni Police Station charging among others a Sub Inspector of Orchha Police, the Superintendent of Orchha Police and even the Finance Minister of the state who is incharge of the Police Department with what would amount to down-right dacoity. You can imagine if such a thing is possible. In any case supposing that our people and officials were so evilly disposed, why would they not do so within the limits of the state and go out to British India for the purpose. As a matter of fact nothing of the kind actually happened. . . .

489

Mirza Ismail to Nehru on Civil Liberty in Mysore State

AICC Papers, F.No. 88/1937

9 October 1937

Private Personal

DEAR MR. JAWAHARLAL NEHRU,

I wrote you a letter yesterday in reply to yours of the 30th September but I feel I must write a more personal one, especially as I would like you to see the enclosed letter¹ which I have just received from the G.O.M. of Salem who knows Mysore fairly intimately and has known it for many decades. The testimony of a man of his age and experience, and who, I fear writes from his death bed, will I hope carry weight with

¹ Not printed

you and put you on your guard against the campaign of vilification and misrepresentation which some of our people have been carrying on against the state. I have no doubt, they will fail shamefully in their designs to bring discredit in the state, for the state possesses no skeletons in its cupboard: the closer the scrutiny in its affairs the more will it shine. I trust that one of these days you will yourself come along in a private leisurely visit and see things for yourself. If you do, I am pretty sure that instead of denouncing the state, you will applaud it, as many of your colleagues have done—Sarojini Naidu, Messrs B. Desai, Satyamurti, Mahatma Gandhi himself—to name only a few.

I really believe people enjoy more liberty here than they do even under the Congress regime in British India. You have to peruse the speeches made by some of our politicians and your own people from outside.

The enclosure is meant for your private knowledge only. I have obtained Mr. V's permission to show it to you, although I am certain he would have not the least objection to my doing so. There is a set of mischief makers in our state whose sole occupation in life is "to fish in troubled waters". Let them not succeed in attempts to bring about a quarrel between you and me. Nothing would please them more, not even the immediate grant of responsible Government.

I have taken the trouble of writing to you at such length and, I fear trying your patience because I want to feel that I have done everything I could to avoid all chances of a misunderstanding much less unpleasantness arising between us.

I am,
Yours truly,
MIRZA ISMAIL

490

*Cunningham to Laithwaite on Possible Repercussions of Nehru's Visit to
NWFP (Extract)*

Linlithgow Papers

9 October 1937

3. Dr. Khan Sahib and his colleagues continue to show a friendly and reasonable spirit in their dealings with officials, and they have stressed upon their followers the necessity of co-operating with the Police. Certain incidents have occurred, which at first sight appeared to savour

of some attempt to short-circuit the recognised administrative channels, but I am satisfied that they are in reality attributable to ignorance of procedure. For instance, I seemed to detect a tendency at first among the new Ministers to attempt to decide matters at informal Council meetings called by the Chief Minister at which I was not present. One or two questions were decided thus. It became apparent, however, that these meetings were the result of ignorance of Cabinet procedure, and were not in any way intended to exclude me from the discussion. Dr. Khan Sahib tells me that he is anxious to have regular Council meetings at which I shall preside.

4. Some difficulty is being experienced over the appointment of Parliamentary Secretaries. Dr. Khan Sahib approached two Independent Muslims and one Independent Hindu—presumably to seal their allegiance to the Congress Party, but they have all refused the offer. Dr. Khan Sahib has now written to other Provinces to collect details about the position and duties of Parliamentary Secretaries, and he hopes to be able to make the proposition more attractive. The outside additions to the Congress Party do not, therefore, appear to be secure. I fear that Dr. Khan Sahib is under some misapprehension that Parliamentary Secretaries will be able to assist him in his normal administrative duties.

5. There is one striking difference between the Ministers of the present and the former Cabinet. Dr. Khan Sahib and his colleagues address public meetings to expound their policy and to meet criticism. Their readiness to explain the necessity for the Islamia College cut, referred to above, has gone a long way to frustrate the propaganda started by the Opposition. In addition to the organisation of these meetings, Dr. Khan Sahib has arranged to send emissaries on village to village tours, during which much is done to gain support for the Congress cause and to eradicate possible causes of embarrassment. Dr. Khan Sahib himself is now on tour in the Bannu District to study the raiding problem, and he is sending Lala Bhanju Ram to Dera Ismail Khan for the same purpose. The former Ministry relied on a limited press for their support, and did little to expound their principles personally.

6. Nevertheless, I do not think the Congress is gaining much ground *vis-à-vis* the Opposition. I mentioned in my last report the potential danger to the Congress party of the *Khaksar* Organisation. There are further signs that the Opposition intend to rely on the *Khaksars* as their weapon for countering the Congress, and enlistment is being quietly encouraged. The *Khaksar* Movement is essentially pro-Muslim. It is difficult to understand the opposition of some of the Mullahs to the Movement, but it may be due to the present attitude of the Jamiat-i-Ulema, Delhi. If this is the case, the differences will probably be

reconciled at the coming session of the Muslim League at Lucknow. Provincial representatives will attend the session, and will probably press for an elaborate programme to be started here to counter the Congress propaganda. Future developments will depend largely on whether Mr. Jinnah decides to sponsor the cause of the Opposition.

Jawaharlal Nehru is due to arrive in Peshawar on October 14th, and there are strong rumours that he will be followed shortly by Mr. Gandhi. It is to be hoped that Nehru will not force Dr. Khan Sahib's hands with Socialistic and other undesirable plans, which are now hampering the administration in the United Provinces. He may also upset the social and official relations which have started so cordially between the Ministers and Government servants. From the other point of view, the visit of Messrs. Nehru and Gandhi will probably be used by the Opposition for propaganda, to prove the allegation that the intention of the All-India Congress leaders is to Hinduise the Frontier.

491

*Rajendra Prasad to Patel on Differences Between Orissa Governor and Ministry
on Appointment of a High Court Judge*

Rajendra Prasad Papers

10 October 1937

MY DEAR VALLABHBHAI,

I have received your two letters one dated 2nd October and the other dated 4th October. You need not be anxious about my health. I have been here only for about a week and it has done me good. I shall be here till the 14th going back to Patna on the 15th. I hope this short rest will make me fit for the Cawnpur Enquiry and the A.I.C.C. meetings.

I have received a telegram from Bapu asking me to attend the Educational Conference at Wardha on the 22nd and the 23rd. I am trying to get the Cawnpore Enquiry which is to commence on the 20th postponed till the 2nd of November. If I succeed I shall go to Wardha and from there to the A.I.C.C. and the Working Committee meetings at Calcutta.

On my way to the Frontier I stopped at Lahore station for about two hours and there met both Dr. Satyapal and Dr. Gopichand but none of them mentioned any thing about their differences as regards Dr. Gopichand's participation in the Unity Conference. On my way back I

did not stop at Lahore and so had no talk with any one of them. But one Musalman gentleman whose name I do not remember who travelled with us in the same compartment to the next station told us that the Congress work is suffering immensely on account of the activities of Dr. Gopichand and his party and he complained to me that the All India Congress Committee was not giving necessary support to Dr. Satyapal who had to fight single handed all reactionaries and communalists. So my information is nil apart from a letter from Dr. Satyapal similar to that which you have received. I have written to him that the Working Committee has given no authority to Dr. Gopichand so far as I know. If Dr. Satyapal has any complaint he should bring it before the President.

I have just seen today a report in the papers which have come to hand that there has been a difference between the Governor and the Ministry in Orissa. A gentleman named Mr. Subodh Chatterji has been appointed a judge of the Patna High Court which is still the High Court of Orissa. He is a member of the Cuttack bar. His appointment it appears has been made without any reference to the Prime Minister who came to know of it for the first time from the Press. He protested to the Governor on which the Governor is reported to have said that this appointment was entirely a matter which rested with the Governor-General and therefore he was not bound to consult him and that if he (Prime Minister) insisted on being consulted even in such matters then the Governor would not consult him in any matter which was in his discretion. A difference seems to have arisen also in connection with some file which was sent to the Governor, although the Minister had passed some order, over the latter's head. I have simultaneously received your telegram asking me if I would go to Orissa. I am afraid it is not possible just now as I think this rest is necessary. I am however, writing to Mr. Vishwanath Das to find out how things stand. We shall of course meet in Calcutta and know all about it. If the Cawnpore Enquiry is postponed it might be possible to visit Orissa for a few hours on our way from Wardha to Calcutta and any of us may go there if it is considered necessary. If any further development takes place in the meantime we shall have to consider what has to be done. But I do not think any crisis should be precipitated before the Working Committee meets on the 25th.

I have seen the cutting which you have sent me. We shall talk about the Kisan Sabha when we meet. I shall try to get in the meantime the statement which has been issued by Swami Shahjanand and is mentioned in the Bulletin. I have myself not seen it yet.

Rest all right.

Yours sincerely,
RAJENDRA PRASAD

492

*Sarat Bose to Nehru Clarifying Congress Legislators' Attitude to Bengal
Tenancy Bill (Extract)*

AICC Papers, File No. P-5/1937

10 October 1937

It is true that the Congress Members of the Bengal Assembly did not take part in the division on the third reading of the Bengal Tenancy Bill introduced by the Bengal Ministry. As leader of the Party, I decided that we should take no part in the division in the final stage in order to register our protest against the absence of provisions in the Bill calculated to benefit the actual tillers of the soil. In the earlier stages, the Congress Party brought forward numerous amendments with the object of introducing provisions in the Bill in the interests of the actual tillers of the soil but most of those amendments were either ruled out of order by the Speaker on the ground that they did not come within the scope of the Bill (which sought to amend *only certain* provisions of the present Bengal Tenancy Act) or were defeated by the votes of the Ministerialist party. Only a few out of the many amendments brought forward by the Congress Party were accepted by the Government.

It is news to me that criticism has been levelled against us to the effect that we sided with vested interests in this matter or went against the peasantry. Such criticism, if any, is entirely baseless, if not malicious. Our whole objection to the Bill was that it was perpetuating and increasing sub-infeudation, that it was benefiting intermediate interests such as jotedars, etc., and that it was conferring no benefits on the actual tillers of the soil. I made that quite clear both in my opening speech and my concluding speech on the Tenancy Bill. Speaking for Calcutta and Bengal, I can tell you without any fear of contradiction that there was and is no impression in the public mind or at any rate, among the Congress-minded and nationalist-minded section, that we sided with vested interests in this matter or went against the peasantry in any way. I am aware that the Ministerialist party in Bengal tried and are still trying their very best to create that impression through their organs the "Star of India" and the "Azad" but their attempt is bound to fail.

493

*Lumley to Linlithgow on Attitude of Congress Ministers and Gandhi Towards
Labour Trouble in Bombay*

Linlithgow Papers

Govt. House, Ganeshkhind

12 October 1937

[PRIVATE & PERSONAL]

D.-O. No. 6-H.E.

MY DEAR LINLITHGOW,

I think you may like to know such other details as I can give you about the attitude of the Ministers here towards what they have now come to regard as the Communist menace. I am dictating this letter after despatching my telegram No. 14, dated October the 11th, and it is intended to fill in the picture and not raise any new questions.

2. Munshi's description of his interview with Gandhi at Wardha was amusing. According to Munshi, Gandhi started off with a sermon about non-violence and persuasion. He refused to believe that the Communists would not be won over if Congress set out to persuade them with complete sincerity; and he went on to say that the Ministers should do all they can on that line and, even if a conflagration burst out in Bombay, they should present themselves to the advancing mob and offer themselves for self-immolation as a sacrifice to the cause of non-violence. This, apparently, did not prove at all acceptable to Munshi, who expressed himself as unready for such a supreme act. After this preliminary they got down to brass tacks. Gandhi agreed that it would not do for the Ministers to let things slide until trouble started and then resign. Resignation, if it has to come, he said, must come now, after the Ministers have explained the whole situation to the Working Committee.

3. I think both Kher and Munshi have behaved extremely well, so far, on this question, and they have most fairly refrained from using the Governor to get them out of their dilemma. They have, they told me, been pressed by a section of the Congress to ask for the immediate repeal of the Emergency Powers Act, in the hope that I would have to refuse, so that the spotlights could be shifted from the dilemma before Congress on to the Governor's use of his special powers. Both they and Gandhi, however, have agreed that such a course would not be a proper way of meeting their responsibilities as Ministers.

4. Throughout these discussions both Ministers have been very frank

and very considerate towards me, and I cannot say that I have detected any attempt on their part to manoeuvre for position. I do not think Kher is really capable of acting in that way, and I cannot honestly say that Munshi has, up to now, made any attempt to do so. I think he is quite genuinely scared of the Communist menace. That is not to say, however, that I feel able to withdraw my remark about him in my first fortnightly report, that he is an uncertain factor and may, at any moment, not prove reliable.

5. One development from this situation is interesting. Gandhi pointed out that the Ministers' fear that they cannot deal by ordinary methods with Labour trouble in Bombay shows that Congress has no hold over Labour in the city. That is perfectly true, and Munshi himself has admitted that the mill hands in Bombay, who are all Mahrattas, are very suspicious of Gujaratis, like himself. The upshot, however, is that Congress is to devote its attention, in a much more vigorous manner than has been attempted hitherto, to gain control of Bombay Labour, and Kher is now filled with the idea that that is the big task before him. He even thinks that it is not impossible that Gandhi himself will act upon some inspiration and will come down to Bombay and lead a campaign for the conversion of Bombay Labour to his ideas. I hope he does, since it would be a very desirable thing if Bombay Labour could be placed under the same effective and moderate control as Congress has established over the mill hands in Ahmedabad. I am told, however, that he would be faced with a far more formidable task in Bombay, where his own influence is small, except amongst the middle classes, compared to what it is in Gujarat.

6. I enclose a version of Munshi's interview with Gandhi which Munshi left with me, which you may find interesting. I shall, of course, keep you fully informed, by telegram if necessary, of any developments in this situation. It seems, to me, that the courageous and straightforward action of the Ministers here has brought the Working Committee face to face with the dilemma that either it must agree to the use of the Emergency Powers for dealing with Communism or it must risk a split which will lead to the immediate resignation of the Ministry here in circumstances which can only bring discredit on the Congress movement. It seems too good to be true that resignation in such circumstances will occur, but if Congress can be committed, as a result of this situation, to dealing with Communism, that, I suppose, will be a substantial gain.

Yours sincerely,
ROGER LUMLEY

[ENCLOSURE]

NOTE BY THE HON'BLE MR. K.M. MUNSHI OF HIS INTERVIEW WITH MR. GANDHI
AT WARDHA ON 10TH OCTOBER 1937

I submitted to Mahatmaji my appreciation of the situation in Bombay, as I had studied it at close quarters and learnt it from long and thorough examination of the forces of trouble.

Gandhiji appreciated the tremendous difficulty with which we were faced, but he saw no reason to alter his belief in the method of conversion, which he was of opinion would be sacrificed the moment we were constrained to use Emergency Powers. He would far rather we resigned than that we should have to depend for our existence on the use of Emergency Powers. "We should start with the principle that extraordinary measures and emergency powers are taboo for us," he said. "The whole asset of the Congress is contained in its refusal to override the provisions of the existing law. I know that you have to be prepared for a conflagration, but not by arming yourselves with Emergency Powers to quench it, but by readiness to immolate yourselves when the need arises."

I said I fully appreciated what he said, but I also confessed my inability, or the inability of the Ministry, for that supreme act of self-immolation. Nor could I understand how we could send in our resignations having deliberately allowed the City to be set ablaze.

Gandhiji said: "No. Resignation at that critical hour is out of the question. Resignation comes at an earlier stage, *i.e.*, now, and that after the Ministry have explained the whole situation to the Working Committee of the Congress".

I humbly submitted that, in my opinion, the externment of a few mischief-mongers from Bombay should not be interpreted to mean sacrifice of the policy of non-violence.

Gandhiji seemed to think it did, and wondered how the externment of a few people could restore calm automatically. If indeed it could do so, it meant that neither the Congress nor the millowners had done any work among the mill-labourers who must be so easily gullible. The remedy, then, lay in grappling the disease immediately.

"I quite agree", I said, "but for that purpose Gulzarilal (N.B., Gulzarilal Nanda, the man who organised the Ahmedabad Union, now an M.L.A. and Parliamentary Secretary to Kher) must be prepared to stay on in Bombay for an unbroken interval of six months. I see no one else who could cope with the task".

"That can certainly be arranged", said Gandhiji. "But I should have to talk to Banker and Gulzarilal in this connection. All I say is this, that ours is an entirely different solution. The Englishman's solution is the issue of

Emergency Powers. Ours is the peaceful means for which the Congress stands."

Three things seemed to emerge clearly from the discussion, viz., that we concentrate—

- (1) On organising the labour in Bombay on thoroughly Congress lines;
- (2) On acquainting the Working Committee of the Congress with the impending situation in Bombay—by Mr. Kher going to Calcutta, with, if necessary, Mr. Munshi;
- (3) On giving the Working Committee clearly to understand that, whilst we shall strive our utmost to avoid a conflagration, in case we cannot prevent it we may be compelled to use Emergency Powers, and that if the Working Committee would not then stand by the Ministry, they should accept our resignation immediately.

494

Nehru on Unionist Ministry's Repression on Congress Workers in Punjab

The Tribune, 12th October 1937

I wish the volunteers will learn how to manage the crowds instead of creating noise themselves. Nobody among the audience should try to speak for maintaining order.

I have read the statement¹ of the Punjab Premier asking me to persuade the Punjab Congressmen to desist from making violent speeches. The advice given by him seems to be extraordinary, judging by his present attitude and actions in arresting the Congress workers and proscribing books and papers. The present government in the Punjab which has adopted a policy of repression is as reactionary as was the government which functioned here before April this year. It is impossible for me to conceive that any government which pays its ministers such fat salaries, the money for which comes from the pockets of the poor, can ever claim to be a friend of the poor peasantry.

It is all tall talk that the Unionist Government in the Punjab wants to serve the masses. How can such a government, whose only occupation is to glorify the British rule, help the poor in solving their problems of poverty, hunger and unemployment? Holding of a Viceregal durbar is just but a part of their occupation. Nobody can expect them to give up their occupation.

1. Issued on 2 October 1937

I am sorry to say that the Punjab Premier had been led to believe the reports of the C.I.D. when he gave orders for the prosecution of the Congressmen in this province. I refuse to believe that any Congressman would preach violence. It is by observing non-violence in word and deed that the Congress has taken rapid strides and developed into a living force. Our strength lies in our organisation which has spread throughout the country from the Frontier down to Ceylon. I am always prepared to take good advice from anybody, be he my friend or an enemy, and I am always willing to make the best use of that advice. But in view of the methods that Sir Sikandar Hayat has adopted, it becomes impossible for anyone to give any weight to his opinion or desires. How can anyone respect his opinion in such circumstances?

Whenever I see such big crowds, I feel encouraged because I can at once visualise what great potentialities they possess for doing good to the country. At the same time, I also feel distressed on becoming conscious of their helplessness. I feel tormented by the thought that such fine human material cannot be used for the right purposes. I know that when people turn up in such large numbers at these gatherings, they do so not merely to see my face. They feel urged to do so because they are hopeful that some solution of their problems will be found by the Congress whose representative I am. However, that solution can be found not by simply passing a few resolutions, but by creating a right type of force. What we need to do most urgently is to bring about a change in the mentality of the people. I must say that the people here during the recent elections, have shown how unmindful they have been of their true interests. By being lethargic and divided among themselves, they have not paid enough attention towards the strengthening of the Congress organisation in the province. I appeal to the Congressmen in the Punjab to remove your differences and always submit to a majority decision, establish a network of Congress committees, fight every election and take a broom and clear your adversaries in your province.

Things have changed in the seven provinces where Congress ministries are functioning and the people living there are feeling some sort of relief. There is an upsurge of new energy in them. It is a matter of surprise that things have remained very much the same in the Punjab. The people living in this province should not believe that Swaraj has been won in the provinces where the Congress has secured a majority. Nothing of that sort has happened because the real power, that is the power of possessing and spending money, has remained where it was before. Still, it must be said that a new wave of enthusiasm and energy has swept the Congress provinces, and the people living there have shaken their fears off.

In the U.P. we have decided to create a new force by reorganising ourselves because we believe that sooner or later we shall succeed in wresting the full powers from the hands of the present government.

If one looks at the situation in the Punjab, one finds that repression is in full swing here. In the other provinces, the atmosphere has very much changed for the better. While other provinces are releasing the prisoners and lifting all other curbs on the sale and circulation of books and newspapers, in this province more and more restrictions are being imposed and proscription orders passed and securities demanded.

It will serve no useful purpose if you merely passed a resolution condemning the harsh nature of the regime imposed on the people of this province by the Unionist ministry. What is desired is that the people of the Punjab must resolve to remove the ministry whose members have launched a tirade against the Congress. The ministry under whose regime the chairman of the reception committee of this conference has been arrested must be made to go. I must however put the blame on the people of this province for the present state of affairs as it is they who have voted in favour of the Unionist candidates. Of course, the Congress organisation of this province cannot also escape being blamed. They did not put up sufficient number of candidates to fight the elections. I am surprised that the Congress in the Punjab did not contest the bye-elections to the provincial assembly. The need of the hour is that we acquire more strength. This fact is however not being grasped by the Congressmen in the Punjab.

In such vast gatherings a slogan like "uncrowned king Jawaharlal Zindabad" is commonly heard. I hate being associated with the word 'king', be he crowned or uncrowned, because the very system of kingship is intrinsically wrong and it repels me. The country can make real progress only when there is a widespread awakening among the masses. A few leaders, however good and capable they may be, cannot do much.

The chosen few—these rajas and nawabs—have now bossed over us for long and they should now be removed or kept in some safe cupboards. I am happy to see that in the Punjab the number of primary members enrolled by the Congress organisation is larger than the quota fixed for this province. I, however, wish that you should have a network of Congress committees, and the number of primary members in this province should also be more.

I want to make an appeal to the Congressmen in the Punjab to sink their differences and work in closest harmony. I also have differences with my colleagues in the Working Committee on several crucial matters; still, I always abide by the decision of the majority after giving

my most thoughtful consideration to all such matters. I hope the people of this province will develop a militant spirit and learn to work with discipline and in a spirit of cooperation with each other.

495

Haig to Linlithgow on Allahabad University Affairs Including Hoisting of Congress Flag

Linlithgow Papers

15 October 1937

MY DEAR LORD LINLITHGOW,

I had a very disturbing conversation yesterday with Pandit Iqbal Narain Gurtu, the Vice-Chancellor of the Allahabad University, about University affairs. Your Excellency will probably have seen in the papers the report that Lord Lothian had been invited to deliver the Convocation address at the big Silver Jubilee celebrations of the University which are being organised for the middle of December, and that owing to agitation by the students the matter has been dropped. I heard of this first a short time ago from Sir Tej Bahadur Sapru, who is greatly distressed at what has happened. It appears that a definite invitation had been extended to Lothian by Sapru, at the request of Gurtu, and that Lothian had accepted. No formal announcement had been made, but when the matter came to be known in University circles, an agitation was engineered among the students, and Gurtu came to the conclusion that if Lothian delivered the address, there would be unseemly demonstrations and that the position would be impossible. Sapru has therefore written to Lothian, explaining the position and telling him that it is impossible to maintain the invitation to him to deliver the address. Sapru himself feels the humiliation of this position very acutely. Gurtu feels it equally acutely, and has informed Lothian that as a result he is tendering his resignation from the office of Vice-Chancellor. He told me yesterday that he was intending to place his resignation before Executive Council as soon as the University opens after the Dasehra vacation.

2 The Executive Council may, as it seems to me, take one of three courses—

(a) They may accept Gurtu's resignation and take steps at once for his replacement.

- (b) They may accept his resignation, but ask him, in view of practical considerations, to continue in office until after the Jubilee celebrations.
- (c) They may ask him to reconsider his resignation.

He himself seems to be somewhat uncertain as to his course of action. We both agree that course (b) would be unwise. At a time of great difficulty he would be filling the office of Vice-Chairman merely as a stop-gap and with no real authority. As to (a) and (c), it is a little difficult for me to judge without being in closer touch with conditions in Allahabad. I think that if the Executive Council pressed Gurtu to reconsider his resignation and I added my pressure to theirs, he would be prepared to do so; but whether there is going to be any real advantage in keeping Gurtu in office under present conditions is a point of doubt. I greatly fear he is in no position to control the students. If he resigns, it will probably be a considerable embarrassment to the Jubilee celebrations.

Would another do any better?—Linlithgow.

3. The second point of difficulty is that the question of hoisting the Congress flag is being taken up in the Allahabad University with vigour, and undoubtedly on inspiration from outside. A flag hoisting ceremony was recently held at one of the University hostels. This of course was not a Government building, and in accordance with our general policy the Government could, even if it wanted to have taken no steps about this. The students are now about to present a demand that the Congress flag should be hoisted on the main University buildings, and I understand they are likely to press for this ceremony to take place on the 30th October. Gurtu of course dislikes this, and I understand the majority of the Executive Council would dislike it. But they feel that if the request is refused, there may be a strike in the University, and that conditions of controversy will be set up which would impair the prospects of the Silver Jubilee celebrations in December. On the other hand, it does seem to me on general grounds of principle most undesirable that the Congress flag should be formally hoisted and flown on the University buildings. The buildings belong to the University, and in accordance with our general policy we could not interfere. The question is whether I, as a Chancellor, should give any private advice to the Vice-Chancellor in this matter. We have of course in this respect swallowed a great deal in allowing the flag to be flown on municipal and district board offices. At the same time we have five Universities in this Province, and with the possible exception of Aligarh, the example of Allahabad is likely to be followed in the others.

4. The flag complication, however, does not rest there. If it did, I

think I should have to acquiesce, even though it means really capitulation to a fairly small body of students. But this question of the flag is, I am afraid, likely to receive prominence at the time of the Jubilee celebrations. I had agreed several months ago, as I think was inevitable, to take part in these celebrations. There is to be a special Convocation at which messages will be received from Universities all over the world, and an ordinary Convocation for the conferring of degrees. At both of those I had consented to preside. I raised with Gurtu the question whether the Congress flag would be flown on these occasions. He made it clear that he did not anticipate being able to prevent it. Of course there are various possibilities. There might be a flag hoisting ceremony just before the Convocation, or the Congress flag might be flying over the main University buildings, and/or over the pandal in which the ceremony will take place, or the pandal itself might be ornamented with Congress flags, or there might merely be a Congress flag flying outside the pandal. My own strong inclination would be to decline to take part in any ceremony in which the Congress flag was flown in any formal manner. When I indicated this view to Gurtu, while he did not seem surprised at the likelihood of my taking such an attitude, he said that it would be exceedingly damaging to the Jubilee celebrations if I did not attend. This no doubt is perfectly true. Moreover, my absenting myself from these celebrations, when it is already known that I had agreed to take part in them, would raise the issue of the Congress flag in a very prominent manner. I cannot help feeling that Nehru and his people deliberately intend that I should either have to put myself in an equivocal position at this ceremony, or provoke a first-class controversy about the Congress flag. If, however, we are to maintain the position that Government servants all over the Province, and indeed all over India, are not to take part in ceremonies in which the flying of the Congress flag is a formal or conspicuous part, it seems to me that action by a Governor, which would be liable to misunderstanding, would seriously compromise the position, and that it would be better to face the issue and have it out. At present I feel that so far as Gurtu is concerned, and possibly Pant, to whom I had mentioned the matter very lightly before I had seen Gurtu, the threat of my not attending the celebrations is a fairly strong card, and that they might endeavour to do all they can to ensure that the flag question was not obtruded on the Jubilee celebrations. But they may be unable really to control the situation, and from some points of view I feel it might be better for me to break away from the celebrations altogether at the earliest possible date and make some re-arrangement of my programme, though it could not be re-arranged so as not to make it perfectly plain that I should be absenting myself from Allahabad precisely for that week.

5. I have felt it desirable to inform Your Excellency of the position at once, and I shall be very grateful for your advice on the various problems that arise. It is indeed a most difficult and complicated situation.

Yours sincerely,
HARRY HAIG

496

Linlithgow to Haig on Kanpur Situation and Khaddar Uniforms Issues
(Extract)

Linlithgow Papers

VICEROY'S CAMP
15 October 1937

[Secret]

MY DEAR HAIG,

Many thanks for your Secret Report¹ of the 7th October, No. U.P.-7. I am much relieved that the Cawnpore situation should have eased to the extent that it has and I share at once your surprise and your satisfaction at the intervention of Jawaharlal Nehru. Nothing could be better than that both your Government and Working Committee should realise that if they are to avoid a sharp shock to their prestige, they must be prepared to take a line, which would have met in all probability with their hearty condemnation nine months ago, in dealing with a situation such as this.

2. I was, as I think I mentioned in my last letter, attracted by the idea of a departmental enquiry into the Cawnpore situation, but in the light of the joint view of Pant and yourself, and given the arguments which carried weight with both of you, that is not a matter which I should be justified in pressing, I hope that the proposed tour of Katju in collaboration with the Commissioner will give you the material you want. Though it is essentially a local matter, I am a good deal interested in it because of its possible repercussions on your general situation, and I would greatly appreciate it if, when you have the results of Katju's enquiries, you care to report to me further about it.

¹ See no. 485

3. About the Jhansi position; I am as you know always somewhat apprehensive of the intrusion, or the possible intrusion, of Parliamentary Secretaries in the administrative field, but, in the present case, the decision is based on discussion between Pant and yourself, and I gather that while the enquiry is to be informal, it will be definitely in conjunction with the Collector. I think it is of the utmost importance that in any case in which we agree to an enquiry of this nature, it should be made perfectly clear that the chief administrative authority should be associated with it, and that (unless there is some quite special reason to the contrary of which the Governor has approved) there should be no question of orders being passed or of instructions being given by a Parliamentary Secretary. I imagine that you will share my view on this.

4. I attach real importance to this question of the relations between the Congress organisation and the district authorities, and I hope that your discussion with Pant in Nainital will clarify the position. The fact must remain that the district authorities are the authorities in charge of the local situation, though clearly there is no objection to, and indeed there may be some advantage in, representations being made to those authorities, the Collector or whoever it may be, by local Congress organisations in respect of specific matters. But I would like to repeat the extreme importance I attach to avoiding any suggestion that the local Congress organisation may be recognised as in any form or sense discharging, or competent to discharge, any of the functions that are properly the functions of the Government, such as the holding of enquiries, the setting up of Congress courts, calling for reports from subordinate authorities, the summoning of individuals before them to account for their actions, or the like. Parliament would, I know, take a most serious view of any such tendency or any disposition on our part to let it pass unnoticed; and I shall welcome it if you can keep me in touch with any trend in the direction and of the nature of the action taken to deal with it. There is another aspect of this matter and that is the relations between Congress M.L.As. and District Authorities. Within certain strictly defined limits there is no objection to Congress M.L.As. making representations to District Authorities, but the limits are definite and closely defined, and there can be no question of M.L.As. giving instructions or exercising any authority in relation to the Collector or officials subordinate to him in a district. You may I think care in this connection to see the extract which I enclose from a letter I have recently sent to another Governor.

5. I was very glad to read the statement issued by your Ministry to the Press on the student position. I am much encouraged by your judgement that there are now signs of the development of independent public opinion. This is the real hope for the future.

7. I gather from paragraph 7 of your letter that you are satisfied that the reduction in travelling allowances is a reasonable one, and so long as that is so I wholly agree with you that there could be no justification for our making difficulty over it. I did notice (I am writing in Camp and from memory) in some recent paper which came before me, a statement that the police had been warned, in view of the reduction in the amount available for travelling, to curtail tours within the strictest limits possible. I am not sure how far in fact this goes, but I know that we are in entire agreement as to the importance of touring, and I should be sorry to think that the reduction which has now been made was likely in fact to lead to any serious curtailment of touring. I imagine that you are satisfied on the point, but it is of obvious interest, and it would reassure me to know that you yourself are content.

8. We have been in consultation separately on this matter of the Khaddar resolution, and I have nothing to add to what has passed between us. There is one very minor point arising out of your letter which struck me, and that was your judgement that so far as police uniforms are concerned, the matter is probably unlikely to go much further. I greatly hope that that may be the case. The only question which I found myself asking was, what other uniform of any importance other than the police uniform is likely to be in issue. The only type of Government uniforms I can think of are those of people such as postal employces and chaprassis, or the like, but you know my ignorance of these matters, and it may well be that a much wider class is concerned.

9. I am very grateful to you for your valuable report on the language in which speeches are to be made in the Assembly, and I have sent a copy of it to the Secretary of State. It is arousing a good deal of interest and it seems to me to become more rather than less difficult as time goes on. I am considering it in the light of information from the various Provinces, and will probably address you and the other Governors regarding it before very long.

10. The disagreement discussed in paragraph 10 of your letter between the Ministry and the Upper House is of real interest. I wholly agree with the line which you took, and I think, on the facts stated by you, that the Upper House had justification for feeling some little testiness. Clearly, as indicated by your Ministers, the arrangement of business in circumstances such as those you describe can best normally be settled by friendly consultation; and in regard both to that and to disputes or difficulties of this nature it would, in my judgement, at a pinch, be quite in order for the Governor to suggest to his Prime Minister a conference under the chairmanship of the Governor, of the leaders and deputy leaders of both front benches in both houses to adjust matters of this kind. No doubt the Governor would as a rule (as you did

in this case) prefer, and quite rightly, to allow the two houses, or the Ministry and the Upper House, to settle their differences in an amicable manner between themselves, and the more that they can do so the better training for them. But there might conceivably arise circumstances in which the feelings aroused would be of such a nature, or the differences of such a nature that a procedure such as I refer to may prove to be of advantage and my object in referring to it is merely to put it on record in case such a contingency should arise at some later date.

11. I saw Chhatari a couple of days ago. I really had him up to discuss the Boy Scout position (as to which let me take this opportunity of thanking you for your recent letter for which I am most grateful and which I will try to answer before very long), but his mind was full of other things and the Boy Scouts question made only fleeting appearances in a series of lengthy and, in my judgement definitely rather defeatist, statements as to the general political future, and the future of landlords and the British association with this country. I have seen one or two other persons of substance from the United Provinces, who are equally concerned about the position of landlords, and I feel sure that the sooner we can get this position stabilised the better from all points of view. I look forward with much interest, therefore, to the outcome of your talks with Pant on the matter, and I hope that the landlords themselves, realising as they do that the ground on which they stand is in many respects by no means sound, will endeavour to adopt a co-operative attitude, and that cases such as those to which you refer in paragraph 11 of your letter represent a very definite minority.

13. I am encouraged by what you tell me about the Service feeling. I shall be greatly interested to see your assessment as to feeling in the districts. On the whole, though there are signs here and there of discouragement and apprehension, we have no reason to be dissatisfied with Service reactions, or the Service attitude towards the new governments through India as a whole; and I was struck by the remark of a senior civilian who has recently been in two or three Provinces, and who told me that he had been impressed first, by the contrast of attitude between now and in 1921-22; secondly, by the fact that while there was uncertainty and even depression here and there, there is no sign of any desire to retire on a proportionate pension. You will probably share my view as to the significance of this latter point, though I realise of course that circumstances might at very short notice arise which would wholly change the position.

14. I hope that your tour will give you some relief from office files, and that you are feeling fit and have maintained your recovery from your illness during the summer. I dictate this at Narkunda at the beginning of my own tour and frankly find it the greatest relief to be able

to escape for a few days from interviews and from the normal routine of work, and to see something of the countryside.

Yours sincerely,
LINLITHGOW

497

Jinnah's Presidential Address at the Lucknow Session of Muslim League (Extract)¹

15 October 1937

LADIES AND GENTLEMEN,

This session of the All-India Muslim League is one of the most critical that have ever taken place during its existence for the last more than thirty years.

The policy and the programme that you are called upon to formulate and lay down involves the fate and the future of the Musalmans of India and the country at large. On 12th April, 1936, the Muslim League at its session, the first time in its history, undertook the policy and programme of mass contact. The League considered the prevailing conditions and surveyed the situation as we had to face the forthcoming elections on the eve of the inauguration of the new Provincial Constitution embodied in the Government of India Act, 1935 and had no alternative but to enter the field and contest the elections to the Provincial Legislatures. It was also felt that there was no alternative but to utilise the Provincial Constitution for what it was worth, although it was far from being satisfactory.

I may here reproduce the resolution that was passed on the 12th April, 1936:—

“Whereas the Parliamentary System of Government which is being introduced in this country with the inauguration of the new Constitution presupposes the formation of parties with a well-defined policy and programme which facilitate the education of the electorate; and co-operation between groups with approximate aims and ideals and ensures the working of the Constitution to the best advantage; and whereas in order to strengthen the solidarity of the Muslim community and to secure for the Muslims their proper and effective share in the Provincial Governments, it is essential that the Muslims should organise

¹ Jamil-ud-Din Ahmed, *Historic Documents of the Muslim Freedom Movement*.

themselves as one party, with an advanced and progressive programme, it is hereby resolved that the All-India Muslim League do take steps to contest the approaching provincial elections, and for this purpose appoint Mr. Jinnah to form a Central Election Board under his presidentship, consisting of not less than 35 members, with powers to constitute and affiliate Provincial Election Boards in various provinces, having regard to the conditions of each province and devise ways and means for carrying out the aforesaid objects."

In pursuance of that decision, the Muslim League Central Parliamentary Board was established in June 1936, and also in various provinces Provincial Boards were established to give effect to the resolution and the instructions of the League. It was not without difficulty and it was no small task to be performed, in the absence of any previous preparations or any existing efficient organisation and machinery. It was a stupendous undertaking to contest elections in all the provinces especially when Musalmans all over India are numerically in a minority and weak, educationally backward, and economically nowhere. There never had been made any systematic effort for their social and economic uplift, whereas our sister communities have gone far ahead with their organisations and the systematic programme supported by a large bulk of people, especially the Hindus, who are not only in a majority but better trained, more disciplined and far better equipped educationally, economically and financially.

But here I may mention that within a short time of about six months' work, before the elections were over, the results were very hopeful, and there is no need for us to despair. In each and every province where League Parliamentary Board was established and the League Parties were constituted we carried away about 60 and 70 per cent of the seats that were contested by the League candidates, and since the elections were over I find that hundreds of District Leagues have been established in almost every province from the farthest corner of Madras to the North-West Frontier Province. Since April last the Musalmans of India have rallied round the League more and more and I feel confident that once they understand and realise the policy and programme of the Muslim League, the entire Musalman population of India will rally round its platform and under its flag. The Muslim League stands for full national democratic self-government for India. A great deal of capital is made as to phrases more for the consumption of the ignorant and illiterate masses. Various phrases are used such as *Purna Swaraj*, *self-government*, *complete independence*, *responsible government*, *substance of independence* and *dominion status*. There are some who talk of complete independence. But it is no use having complete independence on your

lips and the Government of India Act, 1935, in your hands! Those who talk of complete independence the most, mean the least what it means. Was the Gandhi-Irwin Pact in consonance with complete independence? Were the assurances that were required before the offices would be accepted and the Provincial Constitution could be worked consistent with *Purna Swaraj*, and was the resolution after the assurances were refused accepting offices and working the Provincial Constitution enacted by the British Parliament and forced upon the people of India by the imperialistic power in keeping with the policy and programme and the declarations of the Congress Party? Does wrecking mean working? These paper declarations, slogans and shibboleths are not going to carry us anywhere. What India requires is a complete united front and honesty of purpose and then by whatever name you may call your government is matter of no consequence so long as it is a government of the people, by the people, for the people.

The present leadership of the Congress, especially during the last ten years, has been responsible for alienating the Musalmans of India more and more by pursuing a policy which is exclusively Hindu, and since they have formed the Governments in six provinces where they are in a majority they have by their words, deeds and programme shown more and more that the Musalmans cannot expect any justice or fair-play at their hands. Wherever they are in majority and wherever it suited them, they refused to co-operate with the Muslim League Parties and demanded unconditional surrender and signing of their pledges.

The demand was insistent: abjure your party and forswear your policy and programme and liquidate Muslim League; but where they found that they had not a majority, like the North-West Frontier Province, their sacred principle of collective responsibility disappeared, and promptly the Congress Party was allowed in that province to coalesce with any other group. That any individual Musalman member who was willing to unconditionally surrender and sign their pledge was offered a job as a minister and was passed off as a Musalman minister, although he did not command the confidence or the respect of an overwhelming majority of the Musalman representatives in the legislature. These men are allowed to move about and pass off as Muslim ministers for the "loyal" services they have rendered to the Congress, by surrendering and signing the pledge unconditionally and the degree of their reward in the extent of their perfidy. *Hindi* is to be the national language of all India, and the *BandeMataram* is to be the national song, and is to be forced upon all. The *Congress flag* is to be obeyed and revered by all and sundry. On the very threshold of what little power and responsibility is given, the majority community have clearly shown their hand that Hindustan is

for the Hindus; only the Congress masquerades under the name of nationalism whereas the Hindu Mahasabha does not mince words. The result of the present Congress Party policy will be, I venture to say, class bitterness, communal war and strengthening of the imperialistic hold as a consequence. I dare say that the British Government will give the Congress a free hand in this direction, and it matters very little to them, nay, on the contrary, it is all to the good, so long as their interests, imperial or otherwise, are not touched and the Defence remains intact, but I feel that a fearful reaction will set in when the Congress has created more and more divisions amongst Indians themselves, and made the united front impossible.

Here it will not be out of place to state that the responsibility of the British Government is no less in the disastrous consequences which may issue. It has been clearly demonstrated that the Governors and the Governor-General who have been given the powers and special responsibility to safeguard and protect the minorities under the Constitution which was made so much of by Lord Zetland, the Secretary of State for India, during controversy of the assurances demanded by the Congress Party, have failed to use them and have thereby been a party to the flagrant breach of the spirit of the Constitution and the Instrument of Instructions in the matter of appointment of Muslim ministers. On the contrary, they have been a party to passing off men as Muslim ministers by appointing them as such, although they know full well that they do not command the confidence of the Muslim representatives or the public outside. If, in a matter like this, the Governors have shown their utter helplessness and disregard for their sacred obligations which were assumed by the British Government for the protection of minorities, could they or would they be able to afford protection in hundred and one other matters which may not come up to the surface to be known in the day-to-day working of the Legislatures and the administrative machinery? These are very serious and noteworthy signs of the time. The one wholesome lesson that I ask the Musalmans to learn, before it is too late, is that the path before the Musalmans is, therefore, plain. They must realise that the time has come when they should concentrate and devote their energies to self-organisation and full development of their power to the exclusion of every other consideration. I have pointed out before that a section of Musalmans is divided, that there is a group that stands with face turned towards the British. If they have not learnt by now of the bitter consequences they will never learn. God only helps those who help themselves. There is another group which turns towards the Congress, and they do so because they have lost faith in themselves. I want the Musalmans to believe in themselves and take their destiny in their own

hands. We want men of faith and resolution who have the courage and determination and who would fight single-handed for their convictions, though at the moment the whole world may be against them. We must develop power and strength, till the Musalmans are fully organised and have acquired that power and strength which must come from the solidarity and the unity of people.

No settlement with majority community is possible, as no Hindu leader speaking with any authority shows any concern or genuine desire for it. Honourable settlement can only be achieved between equals, and unless the two parties learn to respect and fear each other, there is no solid ground for any settlement. Offers of peace by the weaker party always means confession of weakness, and an invitation to aggression. Appeals to patriotism, justice and fair-play and for goodwill fall flat. It does not require political wisdom to realise that all safeguards and settlements would be a scrap of paper, unless they are backed up by power. Politics means power and not relying only on cries of justice or fair-play or goodwill. Look at the nations of the world, and look at what is happening every day. See what has happened to Abyssinia; look at what is happening to China and Spain and not to say of the tragedy of Palestine to which I shall refer later.

The Congress High Command speaks in different voices. One opinion is that there is no such thing as Hindu-Muslim question, and there is no such thing as minorities' question in the country. The other high opinion is that if a few crumbs are thrown to the Musalmans in their present disorganised and helpless state, you can manage them. They are sadly mistaken if they think that the Musalmans can be imposed upon. The All-India Muslim League has now come to live, and play its just part in the world of Indian politics, and the sooner it is realised and reckoned with the better it will be for all interests concerned. The third opinion is that there is no light to be seen through the impenetrable darkness; but as the Congress goes on acquiring strength and power, so the past promises of the blank cheques remain unfilled and unsigned.

I want the Musalmans to ponder over the situation and decide their own fate by having one single, definite, uniform policy which should be loyally followed throughout India. The Congressite Musalmans are making a great mistake when they preach unconditional surrender. It is the height of defeatist mentality to throw ourselves on the mercy and goodwill of others and the highest act of perfidy to the Musalman community; and if that policy is adopted, let me tell you, the community will seal its doom and will cease to play its rightful part in the national life of the country and the Government. Only one thing can save the Musalmans and energise them to regain their lost ground. They must first recapture their own souls and stand by their lofty position and

principles which form the basis of their great unity and which bind them in one body-politic. Do not be disturbed by the slogans and the taunts such as are used against the Musalmans,—*communalists*, *toadies* and *reactionaries*. The worst *toady* on earth, the most wicked *communist* to-day amongst Muslims when he surrenders unconditionally to the Congress and abuses his own community becomes the nationalist of nationalists to-morrow! These terms and words and abuses are intended to create an inferiority complex amongst the Musalmans and demoralise them; and are intended to sow discord in their midst and give us a bad name in the world abroad. This is the standard of propaganda which can only be treated with contempt.

The All-India Muslim League certainly and definitely stands to safeguard the rights and interests of the Musalmans and other minorities effectively. That is its basic and cardinal principle. This is the *casus belli*. That is why the Muslim League and those who stand by it have incurred the displeasure of the Congress, for what else are we doing what the Congress objects to? The Congress is doing exactly what we decided two years ago. The League is not going to allow the Musalmans to be exploited either by the British Government or any other party or group inside the legislatures or outside. The Congress with all its boasts has done nothing in the past for the Musalmans. It has failed to inspire confidence and to create a sense of security amongst the Musalmans, and other minorities. The Congress attempt under the guise of establishing mass contact with the Musalmans is calculated to divide and weaken and break the Musalmans, and is an effort to detach them from their accredited leaders. It is a dangerous move, and it cannot mislead anyone. All such manoeuvres will not succeed, notwithstanding the various blandishments, catch words and slogans. The only honest and straightforward course is to give the minorities a fair deal. All talk of the hunger and poverty is intended to lead the people towards socialistic and communistic ideas for which India is far from prepared. The Muslim League in the present conditions considers the policy of direct action as suicidal and futile. Two such attempts have hitherto failed and have entailed untold misery and suffering to the people, and it had to be wound up after two decades of persistent efforts in that direction with the result that a more reactionary constitution is forced upon the people, and the Congress is working it now.

To ask by a resolution the Governor-General to convey to the Secretary of State for India to call a constituent assembly on the basis of adult franchise is the height of all ignorance. It shows lack of any sense of proportion. A constituent assembly can only be called by a sovereign authority and from the seat of power—a special body of men chosen as the representatives with the authority of the sovereign—to frame such

constitution of the government of the country as they may think proper, and their function ceases and the constitution so framed by them would automatically take the place and function as the constitution of the government of the country. Who is to constitute the electorates on the basis of adult franchise, and how many representatives will be chosen by these electorates constituted on the basis of adult franchise, and what will happen to the minorities in such constituencies, and what will the electorates understand, and how will they make their choice of this special body of men with final authority and power to frame the constitution of this great sub-continent? Who will direct the machinery to choose the special body of men with representative authority to frame such constitution as they may think proper? Who will set in motion the machinery? And, above all, what will happen to the minorities in such a body? Is the Congress really serious that the Secretary of State is going to carry out all these requirements when, only a few days ago, the representative of the British Government speaking with the highest authority, His Excellency the Viceroy, said that he was full of hope that they might succeed in securing the federation of India in the near future, that when he came out to India he had expressed the hope that the scheme of federation was on the whole one calculated to secure federation within a reasonable time after the inauguration of Provincial autonomy, and that his experience of the last 18 months had confirmed him in that view regarding the establishment of federation within a reasonable time?

Taking the country as a whole, the Congress is still far from occupying the seat of authority, and it is a travesty of realities to think of British Government calling a constituent assembly and for the ability of the Congress to do so is pure moonshine. Let the Congress first bring all principal communities in the country and all principal classes of interest under its leadership. To ask the foreign Government, who is the ruling and sovereign authority in this country, to convene such a body before even the communal problem has been solved and before all important communities in India have accepted the leadership of the Congress is like putting the cart before the horse, and not to forget that one-third of Indian India stands on very special footing constituting the Indian States and ruling Princes.

Instead of ploughing the sands, let the Congress at least concentrate and see that the all-India Federation scheme embodied in the Government of India Act, 1935, which is more reactionary than even the present Central Constitution, is not brought into being, as now it is so emphatically and confidently asserted by those who speak with authority on behalf of the British Government that it is soon going to be inaugurated. What is the Congress going to do? Do they think that they

can single-handed as a party prevent it? Or will some other formula be evolved and the Congress quietly accept it as a *fait accompli*, as it has done the Provincial Constitution, in spite of all the rantings of some of the foremost leaders of the Congress against it?

To the Musalmans of India in every province, in every district, in every tahsil, in every town, I say, your foremost duty is to formulate a constructive and ameliorative programme of work for the people's welfare and to devise ways and means of social, economic and political uplift of the Musalmans. We shall not hesitate to co-operate with any party or group in any practical and constructive programme for the welfare and advance of the provinces or the country. I entreat and implore that every man, woman and child should rally round one common platform and flag of the All-India Muslim League. Enlist yourselves by hundreds and thousands as quickly as you can as members of the All-India Muslim League, Provincial Leagues and District Leagues. Organise yourselves, establish your solidarity and complete unity. Equip yourselves as trained and disciplined soldiers. Create the feeling of *esprit de corps*, and of comradeship amongst yourselves. Work loyally, and for the cause of your people and your country. No individual or people can achieve anything without industry, suffering and sacrifice. There are forces which may bully you, tyrannise over you and intimidate you and you may even have to suffer. But it is by going through this crucible of fire of persecution which may be levelled against you, tyranny that may be exercised, the threats and intimidations that may unnerve you, and it is by resisting, by overcoming, by facing these disadvantages, hardships, and by suffering and maintaining your true convictions and loyalty that a nation will emerge worthy of its past glory and history and will live to make the future history greater and more glorious not only of India but in the annals of the world. Eighty millions of Musalmans in India have nothing to fear. They have their destiny in their hands, and as a well-knit, solid, organised, united force can face any danger, and withstand any opposition to its united front and wishes. There is the magic power in your own hands. Take your vital decisions—they may be grave and momentous and far-reaching in their consequences. Think hundred times before you take any decision, but once a decision is taken, stand by it as one man. Be true and loyal, and I feel confident that success is with you.

498

*Note Regarding the Attitude of Datia State Towards Congress Activities¹**R/1/29/1618**16 October 1937*

Captain Lal Awadesh Pratap Singh (of Rewa State) of the Provincial Congress Committee Central Provinces had wired to you that he wanted to come to Datia to see you and you had wired him back to say that you would be glad to see him in his private capacity.

Captain Awadesh Pratap Singh accordingly came to Datia yesterday, accompanied by B. Kunj Bihari Lal Shevami (B.A., L.L.B.) of Jhansi to see you but as you were indisposed they were referred to me and they came and saw me yesterday.

I had a long talk with them; the object of their visit was to ascertain the attitude of Datia State towards Congress activities in the Datia State and they wanted to find out what attitude Datia State would adopt if the Congress wanted to start Congress activities in Datia State. I on my part tried to ascertain what was the attitude of the Congress with regard to the question of starting Congress activities in States generally and I was able to ascertain the following facts in the course of my talk with them:-

(1) that it was a mistake to suppose that according to the present programme of the Congress, Congress does not want to have anything to do with the Indian States and their people. On the contrary Congress does want to start Congress activities in every Indian State, in the way of enlisting members, forming Congress Committees, popularizing the sale of Khaddar and the like; they said that Congress does not at present want to interfere with the internal administration of the State, in the way of trying to curtail the powers of the Ruler or to introduce representative institutions in the State or to interfere in any other way with the laws of the State but it does want to introduce all the other "constructive activities of the Congress-such as enlisting members, etc.

(2) that their present instructions were to ascertain the attitude of the Indian States towards the introduction of this so called constructive programme of the Congress in their midst and to try to introduce these activities in the Indian States as far as possible by mutual consent and agreement and to find out what States consent to the introduction of this Congress programme within their borders and what State refuse to do so.

(3) that after it has been ascertained that so many States refuse to allow the introduction of any kind of Congress activities within their

¹ Copy of a report dated 16 October 1937 submitted by Naib Dewan of Datia to the Dewan of

borders the fact will be reported to the All-India Congress Committee with an appeal that the All-India Congress Committee will authorise the Provincial Congress Committee to declare "war" on such States that it will authorise the Provincial Congress Committees to introduce the Congress activities in these non-consenting State notwithstanding orders to the contrary passed by these States according to the usual Congress method of Satyagraha or Civil Disobedience. They further said that both Mr. Gandhi and Pandit Jawahar Lal Nehru were in favour of this programme. This means that Congress has got quite an active programme for introducing Congress activities in all the Indian States.

As I have said before the gentlemen named above wanted to ascertain the attitude of Datia State towards this programme and they wanted to know if Datia Darbar would allow the introduction of Congress activities such as (a) enlistment of Congress members inside the State (b) formation of Congress Committees (c) Khaddar Prachar by Congress Agents—and I told them that Datia Darbar was not prepared to allow any such activities within the State, that if the State subjects had any legitimate grievance and they wanted to make any representation to the Datia Darbar, the Darbar is ready and shall always be ready to listen to them but it won't allow any out-siders to come into the States and start what they had told them that we won't allow Congressmen to come into the State with Congress flags shouting Congress slogans.

They also wanted to know if any Congress leader passed within the State territory on a motor car with Congress flag flying shall we allow it or not. I said probably we won't allow it but added that this last opinion was my personal opinion I had no occasion to exchange views regarding the matter with Dewan Sahib it is quite possible that he may have quite different views about this particular matter. They then asked me if I could give my views regarding these matters in writing. I said "No" and I told them that I was not the final authority and that my views of the matter were given off hand without previously consulting Dewab Sahib and that if they wanted to make matters more sure they will have to visit Datia again. They asked me when it will be convenient for Dewan Sahib to see them. I told them that he will be able to see them conveniently not before the 1st week of December; accordingly Captain Awadesh Pratap Singh proposes to seek interview again with you in the 1st week of December.

499

*Nehru on Civil Liberties in Different Parts of India**The Bombay Chronicle, 17 October 1937*

I send my greetings to this conference which is being held in far off London to consider the plight of the people of India. Everyone knows that for many years past civil and personal liberties have been crushed in India, but many people imagine that with the coming of the new constitution a new era has dawned in India and civil liberties flourish here now. It is necessary therefore to realise what the present state of affairs in India is.

The new constitution came to us not only unwanted and unasked for, but fiercely objected to by the people of India. We saw in it no marked advance to freedom, but an attempt to hold us in check and bind us down to British imperialism and its satellites in India. What was called provincial autonomy was bad enough, but far worse was the proposed federation. The Congress won overwhelmingly in the elections and, after prolonged debate, we decided to accept office and form ministries in a number of provinces. We did so in order to strengthen ourselves to fight the new constitution and, in particular, to resist the federal part of it. Before we accepted office we made it clear that we could not put up with the interference of Governors in regard to the so-called safeguards. Although no clear and definite assurances were given to us in this behalf, the controversy on this issue and the reluctance of the Congress to accept office under these limitations, have made it difficult for the Governors to exercise all the powers that the Act gives them. They realise that to do so would be to invite conflict which will result in the suspension of the constitution. Thus the Congress ministries have had a freer hand than they might otherwise have had. But it must be remembered that the safeguards and special powers are there and they hinder the work of the Congress ministries in numerous ways. This hindrance is very real though it has not so far taken the shape of open conflict.

The acceptance of ministerial office by Congressmen in six provinces, and later in one more province, brought about a rapid and marked change in all these provinces. The change was especially noticeable in regard to civil liberties. The bans imposed by the government on hundreds of organisations were removed, a large number of political prisoners were released, securities taken from newspapers were returned, the continuous shadowing of and spying on the people engaged in public work became less obvious. Public meetings and demonstrations were not interfered with. It seemed as if a heavy burden had been taken away, and people in towns and villages alike breathed more freely.

They felt to some extent as if they had woken up from a nightmare. The change was marked and could be observed and felt everywhere in these seven provinces. And yet it was far from complete and numerous hindrances on the ordinary rights of citizenship remained. The new provincial governments could not go as far as they wanted to because of the difficulties raised by the Governors and the Governor-General, as well as by the permanent services, which had been bred up in the old tradition. Red tape and numerous references to various authorities delayed progress. On either side there was a desire to avoid conflicts if they could be avoided.

In the past, encroachments on civil liberties had been of various kinds. Those due to the provincial governments could be largely removed by the new Congress governments in the provinces. But the provincial ministries were powerless in the face of the central government's encroachments. These continue in full measure, as well as many others which, though provincial, were intimately connected with the central government's policy. This applies to the banning of the Communist Party and all other organisations and trade unions which were supposed to have a red colour. It applies to books which are banned or refused entry under the Sea Customs Act. This banning and stoppage of books has been the public scandal in India. The scandal continues. The censoring of correspondence seems to continue still in the same old way even in the provinces where Congress ministries are functioning. There have been instances of the correspondence of a provincial Prime Minister being watched and censored. A question was recently asked in the Central Assembly at Simla about the censoring of ministers' correspondence. No answer was given.

It will thus be seen that even in the provinces where Congress ministries are functioning much remains to be done. But it is true that a great step forward has been taken in these seven provinces in so far as civil liberties are concerned. The difference between these provinces and the rest of India is already tremendous. In Bengal and in the Punjab, the two principal non-Congress provinces at present, all the old suppressions and restrictions continue. While political prisoners are being released in the U.P., Bihar, Bombay, Madras, Central Provinces, Orissa, and the Frontier, in the Punjab and Bengal fresh arrests and convictions are taking place. Organisations are banned and the press is terrorised and suppressed by the demand of heavy securities and, in Bengal, by a strict censorship. Punjab is in many ways politically the most backward major province of India and its present government does not differ in the least from its predecessor. British imperialism finds more pliant tools there than elsewhere.

But Bengal, as in the past, so today, keeps the lead in repression and

suppression of civil liberties. Even now hundreds of organisations are banned there, especially in the districts of Midnapore and Chittagong. It takes one's breath away to learn that in Chittagong district alone about 23,000 persons (official figure) are interned or restricted in their activities by government orders. Large numbers of detenus are still there in Bengal, untried and unconvicted, but kept in concentration camps for years. The full weight of the British *raj* continues to be felt by the unhappy people of this province.

Outside what is called British India, there lie the Indian states where even to talk of civil liberty is a joke. Two of the most advanced states are supposed to be Travancore and Mysore. In the former the Congress is still illegal and not even Congress members can be enrolled. And yet adjoining it is the province of Madras which is supposed to be governed by a Congress ministry and legislature. In Mysore innumerable restraint orders have been passed in recent months to prevent the mildest type of Congress activity. The state of Hyderabad, the largest in India, still rejoices in a feudal regime, and the very idea of holding a public meeting, even for religious or social purposes, is foreign to its traditions and practices. If the great states function in this way, what of the innumerable small ones?

India, it is not always remembered, still comprises small patches of territory ruled by France and Portugal. Chandernagore and Pondicherry have not yet profited much by the *front populaire* government of France, and are backward areas where civil liberties are suppressed. In Goa, Portuguese fascism flourishes unchecked.

Far from India live numerous Indian exiles, many of whom have not seen their homeland for a quarter of a century or more. Yet they are not permitted to return home because of what they are said to have done long years ago.

This is the state of India and the Indian people now under the new constitution, and across our north west frontier squadrons of aeroplanes fly past to bomb and kill our neighbours and cousins. It is well therefore that lovers of freedom and civil liberty in England should think of us and, in spite of the terrible problems that confront the world today, endeavour to help us in removing these innumerable restrictions on our liberties. That is an essential pre-requisite of all progress, and our problem is after all a part of the great world problem which faces us all over the world.

500

Subhas Bose to Nehru on 'Bande Mataram' (Extract)

AICC Papers, F. No. P-5/1937

17 October 1937

"...Re. "Bande Mataram", we shall have a talk in Calcutta and also discuss the question in the Working Committee if you bring it up there. I have written to Dr. Tagore to discuss the matter with you when you visit Santi Niketan. Please do not forget to have a talk with him when you visit Santi Niketan.

"I have always agreed with you that on the question of Hindu-Muslim unity, economic questions are of paramount importance. Communal Muslims are in the habit of raising certain bogeys from time to time—sometimes it is music before mosques, sometimes S.C.B. inadequate jobs for Muslims and at present it is "Bande Mataram". "Bande Mataram" has suddenly sprung into importance probably because it was sung in the Legislatures thereby demonstrating Congress victory. While I would gladly try to meet all doubts and difficulties raised by nationalist Muslims, I do not feel inclined to attach much importance to what the communalists say. If you give them the fullest satisfaction on the question of "Bande Mataram" today, they will not be long in bringing up other questions tomorrow, simply in order to pander to communal feeling and embarrass the Congress. ..."

501

*UP Government Report About Shia Muslims' Attitude to Congress
(Extract)*

Home Department (Poll), F.No. 18/10/1937

Lucknow,
18 October 1937

9. The most important events of the period are the Conferences which have recently taken place in Lucknow—the Shia Political Conference and the Muslim League. Particular importance attaches to these conferences on account of the policy of the Congress Party to

establish Muslim mass contact with a view to winning over the Musalmans. The reaction of the Shias was favourable; that of the Muslim League was hostile, but its political aims are in fundamental matters similar to those of the Congress. The Shia Conference aroused less interest than the Muslim League owing to the smaller numbers of the Shia community and the fact that all-India leaders were not present. Resolutions were carried in favour of—

- (1) Constituent Assembly to frame a constitution for free India
- (2) a joint electorate with reservation of seats in accordance with the Communal Award in all legislative and local bodies
- (3) an invitation to all Shias to join Congress
- (4) a declaration that the All-India Muslim League is a non-representative body and the Congress should treat it as such

502

Nehru to Mirza Ismail on Congress Policy Towards Indian States

Nehru Papers

ALLAHABAD

19 October 1937

DEAR SIR MIRZA,

Thank you for your letter of October 8th,¹ also the personal letter of October 9th.² I appreciate your courtesy in writing to me fully. I received your letters only last night on my return to Allahabad.

It is possible, and even probable, that we differ on many matters of public policy, and it is hardly worthwhile to argue about fundamental or temperamental differences. Many of us in the Congress differ from each other on important issues. But we also agree on many vital issues and, the agreement being far greater than the disagreement, we pull together. Similarly it should be possible for Congressmen and state authorities, though differing from each other, to find some basis for mutual adjustment. It is obvious that we live in a changing and dynamic world and even in India considerable changes are taking place before our eyes. To ignore them can hardly be wise on the part of anyone who deals with public affairs. The Congress is playing an evergrowing part in the

¹ See No. 487

² See No. 489

shaping of India's future, and it may be that when that future becomes the present, the Congress will dominate the scene.

The policy of the Congress towards the Indian states has been two-fold. On the one hand it has, for various reasons of expediency, refrained from interfering too much in the states. On the other hand it is obviously interested, and intensely interested, in the present and the future of the states. It is interested because the very basis of our policy is an all-India unity, and in the modern world it is hardly possible to think of small units functioning separately. The tendency indeed is to think in terms of a world unity. It is also interested because the interests of the states and what is called British India are inextricably bound together; neither can ignore the other. The proposed federation, to which we are entirely opposed, forces us to think of the states, both in their external relations and their internal structure and economy. Thus we cannot, either of us, escape the problem however much we might like to do so.

In considering the problem, it is not good enough to be tied down by present-day legality, for that legality is part of the problem itself. Nor is it at all feasible that the Congress or any other organisation should remain neutral. It may, for reasons of expediency, avoid various kinds of activity, but in the realm of thought and the expression of thought, it must have absolute freedom. There is no other possible way in a changing world. To repress the expression of thought is to drive that thought underground, to make it fiercer, and to produce a neurotic condition. If it is a right thought, then to suppress it is obviously wrong. If it is a wrong thought, then to suppress it is to make it more perverted and dangerous. That of course is the argument for civil liberty.

Personally I am convinced that the Indian states system is entirely out of date and it will have to adapt itself rapidly and considerably to new conditions. Whether it can do so without trouble and upheaval depends on the statesmen who control the destinies of the states. Mysore is in many ways the most progressive of the Indian states and I had hoped that if any state could march with the times and adapt itself to the new order, it would be Mysore. When I find, therefore, that Mysore, in spite of its advantages, is acting in a reactionary manner on the political plane, I am grieved.

You may be quite right in thinking that some of the persons against whom action has been taken by your government are undesirable. I do not know them personally. But I do not think that that justifies the action or lessens in any way their influence. Probably repressive action has the reverse effect. I find that about the very date you wrote to me, or a little earlier, the Congress office, or the office of the Mysore Congress Board, was searched and almost all the files carried away. Further, that

OCTOBER 1937

security was demanded from the council of action and the president of the board. That seemed to me a strange commentary on your letter.

I realise fully that a government has to take action against certain forms of subversive activity. But usually this refers to violence or appeals to violence. Activity undertaken to spread ideas or to bring about a peaceful and constitutional change in the constitution, is usually given free scope, even though it might not be liked.

I can assure you that I have every desire to avoid anything in the nature of a conflict between the Congress and the Mysore state authorities. Mysore is the last state where we would like to face this. I am also prepared to counsel restraint to our people. But, as you say, restraint has to be on both sides.

I understand from your letter that you have no objection to the use of the national flag at Congress functions, on private buildings and on cars. There is no question of putting this flag up in token of hostility to the state flag or on official buildings. I do not see why any conflict should arise in this matter.

In spite of differences of opinion, I do not see why it should be difficult for us to avoid conflict between the Congress and the state authorities. It is possible for mistakes to occur on either side but if there is a spirit of accommodation, these mistakes will not go far. But I do think that a full measure of civil liberty is necessary for such a spirit of accommodation to exist, and I would beg of you to enhance the prestige of Mysore by ensuring this civil liberty in the state. If civil liberties are suppressed, we cannot remain silent spectators.

For the moment I am not discussing responsible government and the like. This letter is long enough already. Personally I feel that a long step towards responsible government would be one of true statesmanship and would strengthen the state tremendously. But in any event civil liberty is a prerequisite for any progress.

I am returning to you Mr. C. Vijayaraghavachariar's letter.

Yours sincerely,
JAWAHARLAL NEHRU

503

*Gandhi to Jinnah Expressing Distress Over His Speech at Lucknow*¹

SEGAON, WARDHA,
19 October 1937

DEAR FRIEND,

I carefully went through your speech at Lucknow², and I felt deeply hurt over your misunderstanding of my attitude. My letter was in answer to a specially private message you had sent to me. It represented my deepest feeling. The letter was purely personal. Were you right in using it as you did?

Of course, as I read it, the whole of your speech is a declaration of war. Only I had hoped you would reserve poor me as bridge between the two. I see that you want no bridge. I am sorry. Only it takes two to make a quarrel. You won't find me one, even if I cannot become a peace-maker.

This is not for publication, unless you desire it.³ It is written in all good faith and out of an anguished heart.

Yours sincerely,
M. K. GANDHI

1. Syed Sharifuddin Peerzada, ed, *Leaders' Correspondence with Mr. Jinnah*

2. See No. 497

3. Gandhi-Jinnah correspondence was released to the Press on 15 June 1938.

504

Rafi Ahmed Kidwai's Statement Rebutting Fazlul Huq and Jinnah's Allegations

The Pioneer, 19 October 1937

The Hon. Mr. Rafi Ahmed Kidwai, Minister for Revenue, U.P. Government, criticised in the course of an interview with a representative of *The Pioneer* the speeches of Mr. Jinnah and the Bengal Premier delivered at the open session of the Muslim League.

Referring to Mr. Fazlul Huq's threat of retaliation Mr. Kidwai said that "a man who can entertain or express such sentiments is not fit to hold any responsible office."

Asked to express his views on the speech made by the Hon. Mr. Fazlul Huq, the Premier of Bengal at the open session of the Muslim League, the Hon. Mr. Rafi Ahmad Kidwai, Minister for Revenue, U.P. Government, said:

"It is difficult to believe that any one holding the responsible office of premier of a major province like Bengal can say what Mr. Fazlul Huq is reported to have said at the open session of the Muslim League.

"Mr. Fazlul Huq forgets that he is the head of the Government of a province in which the proportion of the Muslim to the non-Muslim population is about 55 to 45. Does Mr. Fazlul Huq mean to say that because the Governments of Bihar and U.P. or of Madras and the C.P. somehow or other, either by legislation or by administrative action offended the susceptibilities of the Muslim elements of the population, he as the head of the Government of Bengal would make the Bengali Hindus suffer, for the actual or imaginary sins of the Governments of either of these four provinces?"

"A man who can entertain or express such sentiment," added Mr. Kidwai, "is not fit to hold any responsible office and no man who claims to have any sense of responsibility can dare to think on such lines."

Continuing, Mr. Kidwai said:

"Mr. Fazlul Huq charges the Congress and Congressmen with 'falsehood and hypocrisy'. Those who know Mr. Fazlul Huq and have watched the vagaries of his meteoric political career will not take him seriously. He can say one thing to-day and quite the contrary the next day. His contemporaries in Bengal know him well enough to consider what he has said of any value. I am sure he himself will forget what he said at Lucknow before he has re-entered the outsides of the Presidency of Bengal."

Referring to Mr. M.A. Jinnah's presidential address at the All-India Muslim League session, Mr. Kidwai said:

"Mr. Jinnah claims that the All-India Muslim League is a political organisation. Does anything in his presidential address justify this claim? Three-fourths of this address is devoted to bitter criticism of the Congress.

"The session was held in a province where the agrarian problem is acute. There is countrywide excitement and talk of class war; taluqdars and zemindars are trying to organise themselves to defend their so-called rights and privileges, the Kisans think they have come into their own and are in a defiant mood. But there is not a word on these or similar problems in Mr. Jinnah's address. He has referred with contempt to this talk of hunger and misery. He thinks that to talk of poverty, of oppression and of Kisans' rights is to preach socialism and comunism. The whole session has ended without putting forth any suggestion as to how to solve these and

"Once before about 21 years ago, in 1916—Mr. Jinnah presided over the annual session of the All-India Muslim League at Lucknow. That was the first session of the League which Mr. Jinnah had attended, for prior to that he had persistently refused to join the League because he had considered it a communal organisation; only after it had adopted the Congress creed as its own that Mr. Jinnah joined it. One has to compare Mr. Jinnah's address delivered in 1916 with the one delivered at this session to realise how far he has drifted from the position he took up then.

"Mr. Jinnah characterises Vande Mataram as an anti-Islamic song.

"Mr. Jinnah had been a devoted and enthusiastic member of the Congress and of its chief executive, the All-India Congress Committee, for a number of years. Every year the session of the Congress opened with the singing of this song and every year he was seen on the platform listening to the song with the attention of a devotee. Did he ever protest? Mr. Jinnah left the Congress, not because he thought the Vande Mataram was an anti-Islamic song, but because he was opposed to the change of creed, that was made at the Nagpur Congress which was defined as the attainment of Swaraj instead of Dominion Status."

"To-day the League has declared independence as its goal. This declaration has been arrived at in spite of Mr. Jinnah's opposition. Let us see if he would stick to it.

"In his presidential address Mr. Jinnah has not made any reference to any one of the problems that face us to-day. In his early twenties Mr. Jinnah was opposed to our giving support to Turkey in her troubles. To-day he has very generously and very enthusiastically assured the Arabs in Palestine that the Muslims of India are prepared to make every sacrifice to help the Palestine Arabs in their struggle of independence. But, then, at that time Mr. Jinnah talked of Hindustan as his motherland, to-day he refers to it barely as India Poor India".

505

*M. N. Roy to Lovestone Explaining Reasons for His Joining Congress
(Extract)*

M.N. Roy Papers

19 October 1937

MY DEAR JAY,

There has been no news from you since your letter dated June 2nd. I plead guilty of not having answered it,—or did I? In any case, in my absence, Ellen did write to you on August 6th. There should have been

an answer to that by this time, assuming that the letter reached you. Our correspondence is really in a very bad shape. But I have not been willfully negligent. In another month, I shall be out a whole year. Most of this time, I have been on the way. So you see, it would be very difficult for me to keep up a regular correspondence, particularly of a political nature, unless incentive comes from outside. Besides, I have been rather puzzled by certain remarks made in your last letter and repeated at length in the W.A. Not being in a position to form a very definite judgement I do not want to enter into a discussion. Hence my silence.

I presume you are getting our paper which is being sent to you regularly. If you read that you will hardly need any special report about the political situation in this country. The Congress has swung to the right, I mean the Gandhi leadership. But the movement as a whole is sound. So, our task is to help it develop an alternative leadership which, under the given conditions of this country, cannot yet be proletarian. I have the satisfaction of reporting that we are making good headway. The belief is gaining ground that the alternative leadership can come only from our side. Nehru is a spent-up force. He could, of course, easily replace Gandhi. I did my best to secure his cooperation, but he simply cannot throw off the personal influence of Gandhi, although intellectually the two have nothing in common. Consequently I had to play a lone hand and take up the challenge thrown down by the Gandhist clique. It was a bold step to take, but there was no other alternative unless we were prepared to play the second fiddle, and for that inglorious role it would not be worthwhile to have left Europe and spent six years in jail. Not only we have to fight the right wing leadership of the Congress which, by the way, is not bourgeois but still more backward. Our bitterest fight has been with the pseudo-left: the alliance of the official CP and the mongrel-growth which calls itself the "Congress Socialist Party". I am afraid, you outside may be getting some wrong ideas about this latter, because it seems to have some connection with the Cripps-Brockway group. I don't know where this group exactly stands internationally. But their anti-Soviet attitude has been rather pronounced lately, and I am distressed to hear from Brockway writing patronisingly about August. However, returning to our C.S.P. it is a veritable nuisance which lives in this country only under the patronage of Nehru. But we had to break it before a real left wing in the Congress could be developed. And we have nearly succeeded in it. When this party was organised in 1934, and at that time it was a genuine, though mistaken left-wing move, the C.I. condemned it as "Social Gandhists". When after my release the CSP began a campaign against me because I refused to join it, official communists suddenly discovered in it great revolutionary

merits and backed it up with mike and mane. The C.I. people in this country have declared "Royism" to be the greatest enemy which must be combatted before imperialism. I am not exaggerating; that is that they publicly declare. But "Royism" has become recognised force in this country and we do not regard the official C's as anything more than a nuisance. Really, with all their share in the "Socialist surplus value", they are non-entity in the political life of this country. I am going to write a story of their record as soon as I find some time to waste on this thankless job. Yet, I feel that the Olympian Gods really do not know what is happening in this country.

Our real fight is against the right wing which is still very powerful thanks to the popularity of Gandhi and the enormous financial resources. The issues are quite clear to-day. I am striking at the very root. Gandhist ideology must go before the nationalists movement can develop its enormous revolutionary potentialities. And Gandhi has recognised in me, his mortal enemy. As a matter of fact, in his inner circle I am branded as the enemy Nr. 1. The entire Congress machinery and press are mobilised to obstruct my activities. But I am breaking down the resistance quite successfully. They cannot prevent me from reaching out to the local organisations of the Congress, and in these my position is getting stronger every day. I wish I could send you a descriptive report of my last tour through a large province. The experience was that the right-wing machinery could not control the rank and file which gave me a grand reception. This is a backward country. Emotion plays a big role, in our politics. So, all these popular demonstration have a great political significance. But we are not counting alone on demonstrations of sympathy. The organisational work is going on though much handicapped by lack of funds and sufficiently large number of trained workers. . . .

. . . Having talked about big things, let me turn to small ones. Why do you forget us altogether? Don't forget your duty towards the oppressed people! I have not heard a word from Paris ever since Ellen came. I did not write often and long. But we did write two-three times, not only letters but fairly comprehensive reports. The silence cannot be altogether ascribed to censorship. We regularly get the "Daily Observations" dated from London, forwarded from Paris, sent recently. Don't forget that we have a "Congress Raj", at least over a part of this country. And I am an important member of the "Regierungspartei"! Could even be a Minister if I tried hard. This is a queer country. Outside of Russia, it is only here that a notorious communist is saluted by police in the street. Under these circumstances, post should be safe. But it is not. Nor am I only saluted by the police, I am shadowed as well. And a stenographer of the police accompanies me to take down all my speeches verbatim. But at the same time, he mobilises the police force of the station to take care of my

luggage. One of the "Boulevard Blatter" of the city wrote the other day that my resolution in the coming session of the All-India Congress Committee demanding the release of all political prisoners and proposing that Congress Ministers should lock me up in jail again. And don't you be sceptical—the Congress Ministers have begun playing severing (*Sic*) and would lay their hand on me, only if they dared! However, do write as regularly as you can. Ordinary political letters written not in too classically revolutionary style, can be addressed simply to me at the office of our paper (address at the head of the letter). All printed matters should certainly be sent there and stand good chance of arriving if they are packed in other interesting reading stuff! But the cover addresses still hold good.....

506

Nehru to Subhas Bose on Bande Mataram and Bengal Politics

AICC Papers, F.No. p-5/1937

ALLAHABAD
20 October 1937

MY DEAR SUBHAS,

Your letter of the 17th.¹ Certainly as suggested by you I shall discuss the *Bande Mataram* song with Dr. Tagore. I do not know any formal statement is necessary by the Working Committee but we should be clear in our own minds. I have managed to get an English translation of *Ananda Math* and I am reading it at present to get the background of the song. It does seem that this background is likely to irritate the Muslim. Further there is the difficulty of the language which is not understood by most people. I do not understand it without the help of dictionary.

There is no doubt that the present outcry against *Bande Mataram* is to a large extent a manufactured one by the communalists. At the same time there does seem some substance in it and people who are communalistically inclined have been affected by it. Whatever we do cannot be to pander to communalists' feeling but to meet real grievances where they exist.

I have decided now to reach Calcutta on the 25th morning. This will give me time to see Dr. Tagore as well as other friends.

¹ See No. 500

As for disciplinary action, it is difficult for me to talk vaguely about strictness or leniency. Ultimately this has to be considered in relation to the general situation and to the particular facts of the case. Generally speaking our policy was a strict one during the elections and immediately after. But later a certain leniency came in and a number of previous orders were revised on the party concerned apologising. In particular we felt that the denial of the four-anna membership to any person was not to be indulged in except in very special cases. Generally the punishment was in regard to the holding of offices or membership of an elected committee. If the past record of a person was good and he had erred merely at election time because of local factions and passions we tried to take a lenient view and on his apologising no further action was taken. But as I have said above each individual case has to be considered on its merits and even more important consideration is the result of such action on Congress work in future. If such action is good to help Congress work it must be taken. If it is likely to hinder then it is to be avoided. Many of our people are insufficiently developed in the political sense not to be affected by personal rivalries. And so they err occasionally without really wishing to go against the Congress. If it is possible to win them over and yet keep the prestige and discipline of the Congress, then it is worthwhile doing so. If a disciplinary action creates fairly widespread resentment among certain groups of Congressmen, then it has failed in its purpose.

These are various considerations that are to be borne in mind. But ultimately the matter should be decided by the provincial committee or its sub-committee. I dislike very much the idea of the Working Committee or the A.I.C.C. interfering in provincial decisions except in a friendly way by private advice or consultation. In rare cases interference may be called for. After all it is the P.C.C. which has to shoulder the burden of the work in the province and it is not fair to it to do anything which lessens its prestige. That is why our office has not taken any action in such matters directly and we have consistently tried to uphold the position of the P.C.C. At the same time we have tried to soothe the feelings of the parties concerned. Generally we have sent copies of our letter to the P.C.C. I was astonished to learn from Sarat that the secretary of the P.C.C. does not keep him in touch with our correspondence. This in itself shows a certain lack of cooperation in your office.

Apart from the general difficulty of dealing with party factions and the like, an additional difficulty is met with in Bengal and that is the communal one which is likely to get tied up with party rivalries. Bengal, politically considered, has been almost entirely a Hindu province in the past, that is to say, Hindu Bengal has taken an active part in politics.

This is not likely to remain so for long as more and more Muslims are becoming politically awake. The question therefore is how far the Congress can influence these Muslims and bring them within its fold. If we are unable to do so they will strengthen the communal elements. And then we shall have a dominating communal element in the politics of Bengal. Thus the situation is a different one and in everything that is done, in our general Congress work, in assembly work, in the disciplinary action that we take, all these wider considerations have to be borne in mind. I have no doubt that you and Sarat have these considerations in mind. The recent meeting of the Muslim League and the fulminations of Fazlul Huq there have shown the recrudescence of an intensive and low type of communalism. You may have to suffer for this in Bengal more than people in other provinces. But I do hope that you will be able to counter it by a wide appeal to the Muslim masses. There is no other way to meet it. I do not think that there is any real strength behind the Muslim League or its newfangled supporters. But it is our weakness that will make a difference. In facing this difficult situation it is wise to avoid as far as possible internal factions within Congress and to try to end them.

About Tipperah district I can say nothing because obviously I do not know all the facts. But I have a vague feeling that if the situation is not handled carefully, it might strengthen the communal elements there and weaken the influence of the Congress on the Muslim masses. It is because of this that I wrote on this subject previously. But having written I do not propose to do anything else. It is for you and your colleagues to take such action as you think fit and proper.

As for Karimganj, the facts that have been placed before me, and I have had sufficient matter from both sides, do leave a great doubt in my mind and in such matters I would like to give the benefit of the doubt to the parties proceeded against. Apart from the merits of the case the larger consideration of keeping effective workers together also influences me. A curious situation has arisen. We have no intimation whatever from the B.P.C.C. that any action has been taken. So in the ordinary course we have issued notice of the A.I.C.C. meeting to all our members. We are now asked by someone in Karimganj, to whom such a notice went, whether he can attend the meeting or not as the B.P.C.C. has taken cognizance against him. As we have no official intimation we cannot take cognizance of this action, nor indeed do we know exactly what it is. We have referred him to the B.P.C.C.

You ask me whether we want you to revise the penalty already imposed. I do not even know what this penalty is and on whom it has been imposed, except rather vaguely. If you and Sarat feel, however, having regard to all the circumstances that it might be better to revise the

penalty then certainly you might do so. That is for you to decide, keeping all the wider considerations before you.

I hope you will share this letter with Sarat.

I am thinking of going from Calcutta after the A.I.C.C. meeting to Assam and Sylhet for tour for a week or so. I have never been that way before. I shall not of course go into the local politics in these places. Still I should like to have your advice as to how to proceed in such matters when I go there. I have already informed the B.P.C.C. about this tour of mine. I shall finally fix it up in Calcutta.

Yours affectionately,
JAWAHARLAL NEHRU

507

Emerson to Linlithgow on Estrangement Between Congress and Muslims After Lucknow Session (Extract)

Linlithgow Papers

21 October 1937

MY DEAR LORD LINLITHGOW,

In view of your Excellency's visit to Lahore which begins tomorrow, I am writing my fortnight letter earlier than usual and am confining it to the recent visit of Pandit Jawaharlal Nehru to the Punjab and to certain aspects of the meeting of All India Muslim League at Lucknow in which Sir Sikander played a prominent part. Both these events and especially the latter have considerable bearing on all-India politics, and I propose also to comment on this aspect of them.

Generally, his speeches were more restrained than usual, and there was little, if anything, in them which would bring him within the mischief of the law even if it were wise to prosecute him. They were generally within the limits of party politics as they are understood in England, but the people are of course not yet used to party politics, and wholesale attack which he made on the present Ministry, which is now the "Sikander" in the Province, has certainly caused great resentment among the supporters of Government and probably some bewilderment as to what the new order means. The resentment among my Ministers and their supporters is accentuated by the peculiar position of Congress. They have Ministries in seven Provinces, the policy of which is

controlled to a large extent by the central organisation of which Jawaharlal is the head. Although Jawaharlal is himself not a member of any provincial Ministry and therefore technically his attack is not an attack by the Ministry of one Province on the Ministry of another, in the popular view it comes to much the same thing. The general interpretation of his campaign is that all the forces of Congress are to be directed against non-Congress Provinces, and in particular the Punjab. I agree with this interpretation. Apart from other forces which are at work, the result must be to encourage fissiparous tendencies as between the Provinces. With regard to the attack on the Ministry, it consisted mainly of a comparison between the Congress Ministries and the Punjab Ministry to the great detriment of the latter: people in Congress Provinces were now free while the reverse was the case in the Punjab, the police in the former were the servants of the public, while in the Punjab they were the instruments of a reactionary Government which was worse than the one which had preceded it; Sikander and his colleagues were doing nothing for the people and there could be no real freedom or advance until they were replaced by Congress Ministers; a great deal was said about repression.

3. As regards Congress policy in general; there was little, if any, change from the policy previously advocated by Jawaharlal. The main points on which he dwelt were the following:—

- (a) Congress were out to wreck the Act rather than to work it;
- (b) the centre of gravity of Congress had changed from the middle classes to the masses; it was now more a mass movement than at any time;
- (c) the taking of office had enabled Congress to get into far closer contact with the people; the momentum behind Congress had enormously increased and in a few years it would be so irresistible that it would sweep everybody and everything before it; then would be the time for Congress to enforce the government they wanted. While there was not, I think, any specific reference to ousting the British, the speeches left little doubt as to what the ultimate object was to be;
- (d) there was certain to be a big, European war within a few years and the British Empire was likely to come to an end within 15 years;
- (e) no help should be given to England in case of war;
- (f) Congress would have nothing to do with Federation.

In short, there has been no change in the aims and objects of Congress according to Jawaharlal's interpretation of policy. The present time is merely one of preparation for a big mass revolution which will happen as a matter of course within a few years. In his estimate, however, Jawaharlal ignored two very important factors; first, the restraining and

conservative influence which responsibility cannot fail to exercise on provincial Congress Ministers; and second, Muslim opposition. Incidentally, the latter is bound to encourage the former and to put a brake on the more extravagant aims of Congress. While Jawaharlal was in the Punjab, he mentioned at several places that he refused to recognise the existence of any communal problem; so far as there was one it was anti-national and therefore to be regarded as though it did not exist. He got an effective reply a few days later at Lucknow.

4. The outstanding impression left by Jawaharlal's visit was that of domination and arrogance on the part of Congress in so far as he represents its attitude. In his main speech at the political conference in Hoshiarpur he mentioned (and apparently regarded) as the supreme act of wickedness on the part of the Punjab Ministry the fact that it had the temerity to attack Congress. There seems to me no doubt that he is or was genuinely amazed that anyone should have such audacity. It is this domineering and arrogant spirit which is causing most bitter resentment and which affected the Muslims most at Lucknow. I think it strongly influenced Sikander in taking the step which he has taken.

5. I do not know whether Sikander had made up his mind before he went to Lucknow. He mentioned to me at Simla that Jinnah was anxious for his help in all-India politics, but the discussion was not pursued. A day or two before he left for Lucknow he told me that he was going there, but I gathered that his chief object was to attempt to influence the League against passing a resolution in favour of complete independence. When he returned, I had a long talk with him with special reference as to how his action might effect the Ministry and his support in the Provincial Legislature. I gather that he had previously mentioned the matter briefly to Sir Chhotu Ram, but that he had not taken Sir Sundar Singh and Mr. Manohar Lal into his confidence. He certainly had no discussion with the supporters of Government as a whole or with the Unionist Party as a body. As I will mention presently, he did not seem to me to appreciate the consequences of his action so far as provincial politics are concerned. Before I come to this, however, it may be of interest to Your Excellency to give an appreciation of Muslim feeling as interpreted by Sikander after his visit to Lucknow. Although this was voiced in Jinnah's opening address, the resentment was much stronger than even Jinnah represented it to be. The basis of it is the apprehension felt by Muslims regarding the future. In their view the Congress regime in Congress Provinces has been characterised by the spirit of arrogance and domination which I have mentioned above. Particular causes of offence are the non-inclusion of representative Muslims in Congress Cabinets, the flaunting of the Congress flag, the prominence given to "Bande Mataram" and the attempt to make Hindi the universal language. To Muslims these are the

outward and visible signs of the intention of Congress to create Hindu raj. Apparently some of the delegates from other Provinces gave concrete examples of the oppression of Muslims. I gather that this was particularly the case with delegates from Bihar. Sikander himself admitted that the complaints were probably very exaggerated, but at the moment Muslims everywhere, except in the North-West Frontier Province, are on the lookout for grievances against Congress and are in a mood to see nothing good in anything that Congress Ministries may do. Again, Muslim loyalists in Congress Provinces feel that there is no one to help them. While the more intelligent of them realise that under the new Constitution a Governor must support his Ministers and the servants of Government must carry out the Ministerial policy, they are not reconciled to these consequences of responsible government which they did not fully foresee. The less intelligent, of course, are frankly puzzled. Sikander told me that speech after speech was couched in the most bitter invective, and that feeling ran so high that, if any Congress leader had appeared in the conference, he would have been in physical danger. The words Sikander himself used were that he would have been in danger of being lynched. I asked Sikander what was the view generally of Muslims at Lucknow regarding the ultimate aim of Congress. He said that their view, which he shared, was that Congress would be in no hurry to have an open breach with the British Government, that their aim was first to get control in the Provinces and complete domination over the minorities, especially the Muslims and when that happened, to drive the British out. If they succeeded in this, they would have the minorities at their mercy. In the Muslim view this policy of Congress must result in civil war. I give this appreciation not as my own, but as that of Muslims as interpreted by Sikander. According to this view, and here I agree, the Punjab and to a less extent Bengal must be the bulwarks against Congress domination.

It is again a case of history repeating itself. After the Irwin-Gandhi agreement Muslims were very depressed and in a thoroughly defeatist mood; they had stood aside from the civil disobedience movement and many of them had given strong and invaluable support to Government. They at first thought that the agreement threw them to the wolves and were ready to make terms with Congress; Gandhi, however, missed the best chance he ever had of coming to terms with them, and gradually their confidence and courage revived. Much the same has happened now. They went to Lucknow in a defeatist mood. They left determined to fight Congress to the last or, in the alternative, to enforce favourable terms for themselves.

6. Muslims are very afraid of Federation because they believe that it will give Congress domination at the centre, and that through the centre

they will be able to exercise a large measure of control in non-Congress Provinces. I give this again not as my own appreciation, but as that of Muslims. Incidentally, Sikander expressed the view that Congress intend to accept the present scheme of Federation, after the usual pretence of opposition because they believe that, it will ultimately place them in a position of domination at the centre.

7. I now come to the effect of the Lucknow agreement on provincial politics. According to Sikander, all that he agreed to do was to support Jinnah in all-India politics and to advise his Muslim supporters in the Provincial Legislature to join the Muslim League making it clear that in provincial concerns the position of the Unionist Party would remain unchanged. The Secretary of the Muslim League has issued an account of the agreement which would practically mean the merging of Muslim members of the Unionist Party into the Muslim League. Sikander tells me this morning that the statement is wrong and that he is having it corrected. I am not sure at the moment whether the views of Sikander and Jinnah coincide as to what was or was not agreed upon. Sikander has no doubt on the point, but the next few days will show whether there is any misunderstanding. If Sikander has, in fact, unconsciously agreed to an arrangement which would merge the Unionist Party into the League, then he will have to repudiate it, since he fully realises the unfortunate consequences of any such arrangement. Even assuming, however, that the agreement goes no further than he intended and believes it to have gone, it is clear that there has been a big change in the position he has previously held in all-India and provincial politics. The Hindu and Sikh press at once seized on the importance of what happened at Lucknow. Sikander himself, when I talked to him immediately after his return, did not seem to realise it. He seemed to think that everything would go on much as before. He has now appreciated the change. As I pointed out to him, he is going to find increasing difficulty in assuming the mantle of a non-communal leader. He has, in fact, become a Muslim leader, and the opposition Hindus and Sikhs will, in future, refuse to regard him as anything else. His Hindu and Sikh colleagues are, I think, a little uneasy, but not seriously perturbed. Sir Chhotu Ram, however, would be very upset if there were any question of merging the Unionist Party in the League. The Premier is unlikely at present to lose any of his Hindu or Sikh supporters in the Legislature. On the other hand, his action is undoubtedly thoroughly approved by his Muslim supporters, and the danger of any split in the Muslim ranks has been removed for some time to come. It is improbable that the Unity Conference will now lead to any useful result. As I have suggested in previous letters, there was never much chance of this, while there was a real danger that, owing to the general character and wide implications of the recommendations, it

would increase rather than reduce communal tension. The reason why Sikander's action is likely to have little effect at present on his non-Muslim supporters is to be found in the fact that it is generally recognised that Lucknow represents a very definite and strong challenge to Congress, and, for the moment, among non-Muslim supporters of Government, resentment against Congress is stronger than communal apprehensions. Chaudhri Sir Chhotu Ram, for instance, who is non-communal, is more influenced by the fear of Congress domination than by the fear of Muslim aggression. On the other hand Hindus with Congress sympathies and those Sikhs who are not supporters of Sir Sunder Singh are furious with what has happened and are already making counter-plans. The Akalis are already thinking of joining Congress, with whom they have always been in close sympathy. The Hindu Sabha may do the same, while it may be assumed that Congress will receive considerable accession to their strength in the towns, communal feeling will certainly be increased, but paradoxically I am inclined to think that the immediate, though not necessarily the lasting, effect will be to reduce communal riots in the Punjab. One reason for them has been the growing feeling among Muslims that their interests have not been sufficiently protected. On the other hand, I have little doubt that communal troubles will increase elsewhere.

8. There is another aspect of the matter which cannot fail sooner or later to give embarrassment. Sikander is deluding himself if he thinks that provincial politics can be divorced from all-India Muslim interest. For instance, there was a very offensive resolution passed at Lucknow about Shahidganj. Sikander tells me that it was passed after he left and he did not know about it. However that may be, the Muslim League has expressed itself in favour of the return of the site to the Muslims. Sikander himself admits that this is out of the question. What are his Muslim supporters going to do in the matter? Are they going to support him as Premier responsible for law and order or are they going to press the League's views? These and other difficulties are likely to arise.

9. The League, of course, passed other resolutions at Lucknow relating to Waziristan, Palestine & c., but the real business which outshadowed everything else was the declaration of war against Congress. From the all-India point of view, it is difficult to judge the effects of the Lucknow meeting. Tentatively I would suggest that some of the consequences are likely to be the following:—

- (1) It has greatly reduced the chance of Congress Ministries provoking a crisis with Government.
- (2) It will put a brake on their activities. Their policy is likely to be less extreme in regard to many matters than appeared likely a few weeks ago.

- (3) If it is, in fact, the aim of Congress to work for a mass revolution in a few years, then their difficulties will be greatly increased.
- (4) It may gradually undermine the unnatural alliance between Muslims and Congress in the North-West Frontier Province.
- (5) It will promote separatist tendencies as between Provinces.
- (6) It will greatly aggravate the communal situation.
- (7) It may ultimately lead to an agreement between Congress and Muslims.

10. I must apologise for the length of this letter, especially as it deals to some extent with matters outside the provincial sphere, but, owing to the fact that Sikander played a prominent part at Lucknow, I have naturally had to consider the implication of his action.

Yours sincerely,
H. W. EMERSON

508

NWFP Governor's Report to Viceroy on Nehru's Visit (Extract)

Linlithgow Papers

23 October 1937

[ENCLOSURE]

[CONFIDENTIAL]

North-West Frontier Province Governor's Report No. 13.

Pandit Jawaharlal Nehru visited Peshawar for two or three days recently, and was given a great reception, the procession through the city reaching at one time a figure of about 25,000. He also attracted very big audience at the meetings which he subsequently held. I do not think, however, that this indicates any increase in the strength of the Congress following; Pathans support any demonstration, and equally large crowds would probably welcome Mr. Jinnah if he visits this Province.

Jawaharlal's visit does not seem to have felt much of an impression in the city. But in the rural areas an impetus has been given to the Congress cause, and Committees are to be organised even in small villages. The

Pandit's speeches were mild in tone and, as he could not attack the present Provincial Government, his main topics were British Imperialism and the fact that the Congress party had only accepted office to wreck the Constitution. He seems to have been at pains during his visit to conciliate some of the Khans and other classes now in opposition to Congress, and he left a good impression on the ordinary educated listener; at his big public meeting, speaking as he did in Urdu, he was unable to make much of an appeal to the large mass of uneducated listeners. It is significant that he steered clear of tribal affairs, and advised his followers to do likewise.

During his visit, Nehru spoke at the Islamia College. I feel that this was unfortunate as, although the subject of his address was Indian culture and not politics, the students have no doubt read a political meaning into his visit.

2. I asked Dr. Khan Sahib last week if he and his colleagues would accept an invitation to an Investiture which I am holding on October 29th. It was rather unfortunate that the question arose on the eve of Jawaharlal Nehru's visit to Peshawar, as Dr. Khan Sahib took his advice on the subject. Jawaharlal advised him against attending, largely, I gather, on the ground that Investitures implied a recognition of the system of Indian titles, with which Congress disagreed. He apparently left it to Dr. Khan Sahib, however, to decide whether he ought to accept invitations to ordinary entertainments, such as dinner parties, and Dr. Khan Sahib told me that he felt no doubt that Ministers ought to accept such invitations. He added that he himself would have gladly come to the Investiture, and he said that he would even now be ready to do so if Nehru had not given his injunction against it. In fact, I believe he is still trying to get Congress to grant permission.

In other ways social relations are satisfactory. The Chief Minister has exchanged calls with the District Commander, and has agreed to a calling book being opened at his house. Civil and Military officials have started calling, and a number of them have been received by Dr. and Mrs. Khan Sahib in their new residence. Dr. Khan Sahib and two of his colleagues attended the funeral of Major Ross-Hurst, who was Deputy Commissioner, Hazara.

3. Dr. Khan Sahib's brother, Abdul Ghaffar Khan, has been carrying out a number of village tours in the Peshawar and Mardan Districts. He has been advocating co-operation with the police and abstention from crime. In fact, the moderate pitch of his speeches has been criticised on the ground that it is difficult to reconcile with his former ebullitions and with the Red Shirts' election promises. At the same time, he has been attacking the Khans on somewhat socialistic lines. Some parties of Red Shirts also are occasionally seen moving about these two districts. But I

think many of them do so at the instigation of men who are of no particular importance and who are trying to attract attention to themselves. Many of them, I believe, act without either the approval or the knowledge of Dr. Khan Sahib. All my information goes to show that there is no likelihood at present of these Red Shirts adopting methods in any way similar to those of the Red Shirts of 1930-31.

4. During their recent tours in the Derajat, Dr. Khan Sahib and the Finance Minister discussed the raiding problem with district officers. The Minister's attitude was reasonable. They maintained that Government had done everything possible to protect the cis-border residents. It is to be hoped that their advice will restore confidence among the villagers. The proposed abolition of licence fees on arms was advanced as a possible remedy, but the Ministers made it clear that such an innovation was not in their power.

5. I mentioned the question of Parliamentary Secretaries in my last report. No further progress has been made towards their appointment, but I discussed the question of their duties a few days ago with Dr. Khan Sahib. He did not appear to question the principle that Parliamentary Secretaries were intended primarily for work in the Assembly, and could not properly take a share in the ordinary departmental work done by the permanent Secretariat. Dr. Khan Sahib said that he thought they would be useful to him chiefly in dealing with the mass of petitions which he received more or less in private capacity every day, and hoped they would be of real value during the session in assisting Ministers in the House itself. He said he realised, however, that there could be no delegation of power by a Minister to his Parliamentary Secretary.

6. I have been trying to gauge the effect upon our Indian officials of the assumption by Congress of government. At first there was a certain amount of nervousness among those officials, who thought that they might be suspected of having assisted the late Ministry, either in the elections or subsequently. That fear has, I think, largely disappeared. I have also been on the watch for—but have not detected—any tendency on the part of officials to shrink from taking executive action which they think might draw upon them the displeasure of Ministers. Propaganda has been put about lately in Peshawar District that Congress mean to do away with hereditary "Lambardars" (village officials) and fill these posts by election.

7. Very keen interest has been aroused by the proceedings of the session of the Muslim League at Lucknow, though only three representatives of this Province attended. Old-fashioned Khans who had hardly heard the name of the League six months ago, now refer to it freely as an ordinary topic of conversation. It seems probable that the *Khaksar* organisation will become a sort of local branch of the League,

and that the propaganda in support of it will be almost entirely communal—designed to emphasise the Hindu character of Congress and to consolidate Muslims against it. It is said that Mr. Jinnah, Shaukat Ali and others have agreed to visit the North-West Frontier Province. In the meantime the way is to be paved for their visit. The late Ministerial party are likely to support the propaganda, but they do not wish to come to the forefront at present, since this would enable the Congress party to dub the organisation as being identical with that which has already been tried and proved to be a failure. Some sort of novelty is considered to be essential, around which the Khans and other non-Congress elements can rally and sink the differences which brought about their downfall. A point of significance in this connection is that Nehru failed to persuade the Muslim Independents to sign the Congress pledge. It is probable that the campaign will be launched when the result of the election petitions is announced next month, since it is anticipated that they will weaken the existing Congress strength. Failing this, the start may be delayed until the next session of the League takes place at Lahore in February. . . .

509

Gandhi on Civil Liberties

The Harijan, 23 October 1937

Gurudev has given the poetry of Civil Liberty. It bears reproduction in a weekly journal like *Harijan*, although the statement has gone round the world. The reader will find it in another column. It is a paraphrase of "Work out thine own salvation" or "Man is his own enemy and his own friend."

Civil liberty is not criminal liberty. When law and order are under popular control, the Ministers in charge of the Department cannot hold the portfolio for a day if they act against the popular will. It is true that the Assemblies are not sufficiently representative of the whole people. Nevertheless the suffrage is wide enough to make it representative of the nation in matters of law and order. In seven provinces the Congress rules. It seems to be assumed by some persons that, in these provinces at least, individuals can say and do what they like. But so far as I know the Congress mind, it will not tolerate any such licence. Civil liberty means the fullest liberty to say and do what one likes within the ordinary law of the land. The word 'ordinary' has been purposely used here. The Penal Code and the Criminal Procedure Code,

not to speak of the Special Powers Legislation, contain provisions which the foreign rulers have enacted for their own safety. These provisions can be easily identified, and must be ruled out of operation. The real test, however, is the interpretation by the Working Committee of the power of the Ministers of law and order. Subject, therefore, to the general instructions laid down by the Working Committee for the guidance of Congress Ministers, the Statutory Powers, limited in the manner indicated by me, must be exercised by the the Ministers against those who, in the name of civil liberty, preach lawlessness in the popular sense of the term.

It has been suggested that Congress Ministers who are pledged to non-violence cannot resort to legal processes involving punishments. Such is not my view of the non-violence accepted by the Congress. I have, personally, not found a way out of punishments and punitive restrictions in all conceivable cases. No doubt punishments have to be non-violent, if such an expression is permissible in this connection. Just as violence has its own technique, known by the military science, which has invented means of destruction unheard of before, non-violence has its own science and technique. Non-violence in politics is a new weapon in the process of evolution. Its vast possibilities are yet unexplored. The exploration can take place only if it is practised on a big scale and in various fields. Congress Ministers, if they have faith in non-violence, will undertake the explorations. But whilst they are doing this, or whether they do so or not, there is no doubt that they cannot ignore incitements to violence and manifestly violent speech, even though they themselves run the risk of being styled violent. When they are not wanted, the public will only have to signify its disapproval through its representatives. In the absence of definite instructions from the Congress, it would be proper for the Ministers to report, what they consider is violent behaviour of any member of the public, to their own Provincial Congress Committee, or the Working Committee, and seek instructions. If the superior authority does not approve of their recommendations, they may offer to resign. They may not allow things to drift so far as to have to summon the aid of the Military. In my opinion, it would amount to political bankruptcy when any Minister is obliged to fall back on the Military, which does not belong to the people, and which, in any scheme of non-violence, must be ruled out of count for the observance of internal peace.

One interpretation I put upon India Act is that it is an unconscious challenge to Congressmen to demonstrate the virtue of non-violence and the sincerity of their conviction about it. If the Congress can give such a demonstration, most of the safeguards fall into desuetude, and the Congress can achieve its goal without a violent struggle, and also

without civil disobedience. If the Congress has not impregnated the people with the non-violent spirit, it has to become a minority, and remain in opposition, unless it will alter its creed.

510

Haig to Linlithgow on Muslim League's Communal Lead

Haig Papers

24 October 1937

MY DEAR LORD LINLITHGOW,

I am writing my fortnightly report under the conditions of rather heavy pressure on my time, as I am in Lucknow for three days only, after having been away from my Ministers, except the Premier, and my Secretaries for nearly a month. Naturally, there is a great deal to be done in the way of work and interviews. I hope therefore Your Excellency will understand if I do not in this report deal as fully as I should like with some of the very interesting points referred to in your letter of 15th October, and in particular the question of the relations between the Congress organisation and the district authorities, though that is a matter to which my attention is continually directed. With regard to the *khaddar* resolution, what I had in mind was that the Government might possibly put forward proposals for experimenting with a *khaddar* uniform for jail officials and possibly in some cases chaprasis.

2. I have been in correspondence separately with Your Excellency about the question of a jail delivery of some 2,500 prisoners on the lines of the jail deliveries which have frequently taken place in this Province in recent years, and on the more crucial question of the release of the remaining political terrorist prisoners. I have written today to Your Excellency on both these matters. I also explained in a recent letter my anxieties about the Allahabad University and its silver jubilee functions in December. With regard to that the situation has not further developed, but I have heard from Gurtu that he intends to place his resignation before the Executive Council on the 26th October.

3. I have not been able yet to have a full talk with Katju about Gorakhpur affairs, but he has told me that he had a very successful visit and that he hopes satisfactory relations have now been established. I heard in very much the same tone recently from the Commissioner; and there is no doubt that the posting of Pedley as collector to Gorakhpur has been a

great success, and that there has been a very marked change of feeling all round. I am told also that the joint enquiry by the Collector in charge of the Jhansi division and Kher, one of the Parliamentary Secretaries, has been successful and has gone a long way to remove the causes of friction there. They have sent in a joint report, which however, has not yet reached me. Trouble has again developed in one of the Cawnpore mills, resulting in stoppage of work, but the present anticipations are that the men will go back to work again on Monday. It is a reminder, however, that the situation in Cawnpore is still most unstable.

4. Important progress has been made in the consideration of the Government's tenancy policy, and the procedure adopted is, I think very encouraging in regard to the attitude of the Government. They decided that as a preliminary to convening the parliamentary committee, which is to consider the problem, a strong official committee, should meet and place their views before the Government. This committee has been sitting for the last week or so and has reached conclusions which state very clearly the reforms which from the official point of view would appear suitable and safe. The committee included all the principal revenue authorities in the Province and in addition two Parliamentary Secretaries. It is not intended that the report of this committee should be published; it is merely for the information of the Government and to act as a basis of solid facts and sober opinion which I hope will guide them when it comes to the deliberations of the parliamentary committee. This will start work about the 5th November, and the Premier is determined to finish this stage before Christmas. He intends to pursue a similar procedure with regard to debt relief and to convene shortly an expert official committee to make a preliminary survey of that problem. The Premier has also been very busy with sugar problems, and so far as I can judge the policy at present outlined is reasonable and likely to be beneficial.

5. While I was in Nainital I had a good deal of discussion with the Premier about the question of retaining the services of Sir William Stampe for a longer period. He reaches the age of 55 at the end of this month, and in accordance with the principles very strictly laid down by the Secretary of State there can be no question of giving him a further extension. It had been my intention, however, to re-employ Stampe for a limited period on contract. He himself has shown an unwisely urgent desire to be kept on and has in this way created against himself a good deal of prejudice both in political and Service circles. After full consideration Pant was not prepared to re-employ Stampe, and though from some points of view I regret this, I cannot regard him at this stage as being quite as indispensable as he regards himself. At the same time there have been some very unfair political attacks made upon the

hydro-electric scheme and the tube-wells. I propose shortly to take part in a ceremony marking the practical conclusion of these great schemes, and I intend to explain them and express my confidence in them, seeing that it was Lord Hailey's Government and my own which initiated and carried them out, and at the same time to express my appreciation of Stampe's work. I have told the Premier that I propose to speak on these lines, and though he is himself inclined, through lack of information as I believe, to share some of the doubts about the schemes, he seems to have no objection to my stating my views, which I think I am bound to do both in justice to my former Government and to Stampe.

6. Another important matter affecting the Irrigation administration has just been decided. Some months ago the Ministers expressed a strong desire that a Civilian Secretary should be substituted in the Irrigation Department for the Chief Engineer Secretaries. Since then, the matter has been examined carefully, and I must confess that my own view, which to begin with inclined to maintaining the existing system, has now changed. I think under the present political conditions and with the extension of the Irrigation Department to take charge of the hydro-electric scheme and the tube-wells, and with a large number of possibilities of new development, it is definitely desirable that there should be a Civilian Secretary. At present the Government is really too much in the hands of the Chief Engineers, and very important matters of policy and administration will be coming up in which it would be advisable for the Ministry to have the assistance of secretariat opinion. There is some doubt whether technically the sanction of the Secretary of State to this change is or is not required. In view of the doubt I expressed the desire that the matter should be referred to the Secretary of State, but I trust that there will be no difficulty about giving effect to the wishes of the Government, and allowing the new arrangement to be introduced as early as possible. A seventh Secretary will also give some very urgently needed relief to some of the other Secretaries.

7. You will have seen very full accounts of the Muslim League meeting in Lucknow. In my letter of October 7th I said that Muslim opinion seemed to me to be very uncertain at the moment and irritable. The Conference discharged its irritation in full measure against the Congress, and less markedly against the British in regard to Palestine policy, federation and the ultimate goal of full independence. But the sense of uncertainty has for the time being at any rate been removed, for the Muslims have now been given a very strong and definite communal lead which seems to have inspired great enthusiasm, and will obviously have a most important bearing on political developments in the near future. War has been declared unmistakably between the Congress and the Muslim League. The Shias had a few days earlier decided to join the

Congress, but I think a great many of them will in fact follow the lead given by the Muslim League. The first great trial of strength is in progress at present over the bye-election in which Hafiz Muhammad Ibrahim, one of my Ministers, is standing. No one is prepared to give a very confident opinion as to the result of the election, which will be most hotly contested. But if Ibrahim is beaten, I think the Ministry will be placed in position of some considerable embarrassment in connection with filling his place.

8. I am glad that you were able to get away for a little into the hills. I have also just been enjoying a week walking through the hills near Nainital in lovely country and have returned feeling very well. I have quite got rid of the effect of my illness during the summer. Tomorrow I start on the first stage of my tour round the Province.

Yours sincerely,
H. G. HAIG

511

Linlithgow to Haig on Congress Flag at State Functions

Linlithgow Papers

25 October 1937

[SECRET]

MY DEAR HAIG,

I must apologise for not having replied to your secret letter No. U.P.-9 of the 15th October, but as you know I have been touring, and since I reached Lahore have been working under considerable pressure.

2. I am quite clear myself as to the position in regard to the issue raised in your letter, my view of which is as follows. In the first place, the Congress flag is the symbol of a single party in the State and of a single party only, even though, as happens in the United Provinces at present, that party has the support of the majority in the legislature and is in office. Secondly, neither the Viceroy nor a Governor can in any circumstances allow themselves to be associated with any particular political party, or to appear in public at a ceremony at which a party emblem is the principal emblem flown. When a representative of the Crown in India appears in public in circumstances in which it is physically appropriate that a flag be flown, that flag must be the Union Jack.

3. I think it is essential in these circumstances to make the position quite clear to the University authorities at Allahabad early. I would suggest that you should lay down your terms quite definitely, and let the Vice-Chancellor know that if for any reason the University authorities find themselves unable to meet your requirements you must regretfully inform them that it will not be possible for you to attend the Jubilee celebrations. On a connected point I would like further to suggest that it should be made plain by your staff, or in whatever way you think appropriate, to the University that if, having reached agreement with them on the matter of the procedure in regard to the flag, you attend the celebrations, there should not be any room for uncertainty, and the arrangements must be made for flagstaffs, &c. to be properly guarded to prevent any last minute substitution of the Congress flag for the Union Jack or the like. I thought it worth mentioning this point because I have just had enquiry from the Secretary of State as to the circumstances in which the Union Jack was hauled down on the roof of the Assembly in Lucknow on the 1st April, and I have no doubt whatever that we shall find ourselves faced with severe and justifiable criticism unless we entirely safeguard our position in this matter.

Yours sincerely,
LINLITHGOW

512

Carl Heath to Linlithgow on Desirability of Meeting Between Viceroy and Nehru

Linlithgow Papers

MANOR WAY, GUILDFORD, SURREY,
25 October 1937

DEAR LORD LINLITHGOW,

When last January you were good enough to allow me to come and see you in Delhi, and to speak with you upon several public matters, I had just been visiting both Mr. Gandhi in Wardha and Mr. Nehru in Allahabad. May I venture to recall that you allowed me to press the importance of both of these leaders being given the opportunity of meeting with you, and that you expressed the hope that such a meeting could be effected.

Since leaving India I have been constantly in correspondence with Mr. Gandhi, whose interview with you a month or two ago was of great importance. Mr. Gandhi during the Provincial difficulties would have been glad if it had been right for him himself to ask for an interview. He wrote to me however that the man who ought to meet you was Pandit Nehru, he being the President of the Congress Party, but that Mr. Nehru was not willing then for any such interview.

Recently I had written to Mr. Nehru for whom, apart altogether from his policies, I have a high personal regard, upon the difficulties he would meet with from Indians, rather than from British, in certain matters. I had also pressed on him strongly that he should welcome any opportunity of an interview with yourself. I know the type of man that he is, and the personal suffering he has been through. But also the seriousness of the fact that, though having so wide an influence in Indian political affairs, he has not actually met in recent times with the representatives of the King,—with yourself, or any of the Governors.

In reply he has now written me that, whilst during the Andaman Islands strike, he did not feel that he could willingly meet with you, yet now we felt differently and that he would make no difficulty if he were invited. I cannot but think that it will be unfortunate if things go further without any personal touch.

Having in Quaker experience so much evidence of the extraordinary and creative value of the personal relationship, I have felt that this change in Mr. Nehru's attitude should not be neglected. I ventured to talk of it to Lord Brabourne the other night, and having done so feel that it would be right to address you upon this.

With great respect,

Faithfully yours,
CARL HEATH

513

Linlithgow to Zetland on Muslim Agitation Against Bande Mataram (Extract)

Zetland Papers

27 October 1937

[PRIVATE & PERSONAL]

4. As you will probably have gathered from the reports, a considerable Muslim agitation has developed against the use of "Bande Matram", as a "National" anthem and resolutions on the subject have

been passed at the recent Muslim League Conference. That is all to the good from our point of view, for it is clearly preferable that the pressure should come from independent quarters rather than from Government and I am glad to think that the Muslims should appear to be waking up to the significance of the song, given its history, from their point of view. I am not without hope that a somewhat similar situation will shortly develop in regard to the Congress flag. In the meantime I think you should see the correspondence, of which I enclose a copy, with Haig about the difficulties with which he is confronted in regard to Lothian's proposed visit to the Allahabad University. I am the more thankful, in the light of its significance and of the developments with which it deals, that one should have played for safety in advising Lothian as to the desirability or otherwise of his visiting India this cold weather when he raised the point a few months ago.

514

Erskine to Linlithgow on Effect of Congress Ministry's Policy on Lawyers and Government Servants (Extract)

Erskine Papers

27 October 1937

7 It is certainly my definite impression, after sounding the feeling amongst Government servants in the districts I have lately visited, that we should set out faces firmly against any cuts in the emoluments of present holders of existing posts, and that we should maintain that attitude even if, as a result, the resignation of the Congress Ministers is threatened.

8. As to the political position in the three areas that were included in my tour, it seems to be as follows.

9. The Congress Party have undoubtedly offended a large section of educated opinion that supported them at the last election. All the lawyers are very upset at the terms of the proposed Moratorium Bill, for they think its effect will be to deprive them of a great deal of business by putting a stop to all debts cases in the courts, the fees from which form the major portion of the incomes of the bulk of the vakils. This section of the population is also very aggrieved at the firm refusal of the Premier to separate the Judiciary from the Executive. Those views are of course purely selfish, but that fact does not minimise the disgruntlement.

10. The Government servants as a body are now hostile to the Ministry owing to the proposal to cut their pay, and it is notorious that a very large percentage of these officers supported the Congress party at the last election.

11. The introduction of compulsory Hindi is also generally unpopular, particularly in the Tamil districts. The mill owners do not like the tax on cloth other than home spun, but I feel that they are not really very worried about it for the simple reason that, in spite of all the efforts of Ministers, very few people propose to wear Khaddar. In fact, one Minister has already publicly deplored the fact that the population have refused to follow the Congress advice in this respect.

12. On the other hand, there appears to me to be no sign of a revival of the Justice Party or indeed of any organised opposition party in these three districts, and in fact the actual members or so-called members of the Congress party are rising. But there is certainly a vast amount of grumbling and dissatisfaction amongst the educated population, though this disillusionment has not as yet filtered down to the masses, most of whom know nothing and are careless about politics. I am now quite certain that I would not experience any real difficulties if I had to take over the administration under Section 93.

13. It may well be asked how it is possible for the popularity of the Congress ministry to be decreasing while at the same time the actual membership of the Congress party in the districts should be rising, and I fear that the explanation of this phenomenon must raise grave doubts as to the suitability of a democratic form of Government in India.

14. The position is as follows. Nobody down here, unless he is very exceptionally strong-minded, likes openly to offend the Ministry in power. There may be jobs required for relations and the general idea is that favours of this sort will not be given to known opponents of Ministers; or again a town or village may desire a water supply or some other amenity and, if the members of the particular local authority concerned are not members of the Government party, then it is considered that the money they need will not be provided by the Department concerned. Added to which, there is the age long and almost ineradicable inclination of the Indian to be in the good books of the reigning powers if he can.

15. Therefore the rising numbers of so-called Members of the Congress Party really mean nothing at all. If by some miracle the Justice Party got back into office, these people would all turn round and support them; similarly, if the Governor was forced to take over the Administration, they would all fall into line behind him.

16. Indeed the whole position is unreal and I doubt, in South India at any rate, whether a vigorous and healthy opposition party will ever

develop for the reasons that I have given above; and if this is a correct diagnosis; it seems to me to be doubtful if the present experiment in democracy can really flourish in this portion of the subcontinent.

Yours very sincerely,
ERSKINE

515

Linlithgow to Zetland on the Significance of Muslim League's Policy of Consolidating Muslims (Extract)

Zetland Papers

27 October 1937

[PRIVATE & PERSONEL]

5. Emerson is sending you by air mail a copy of his 'secret' report of the 21st October¹ which deals primarily with the developments in connection with the recent meeting of the All India Muslim League at Lucknow, and I also enclose a copy² of an illuminating C.I.D. report of statement Sikandar is alleged to have made at the meeting. I took the opportunity to visit Lahore to discuss the situation with Emerson in some detail. I have no doubt whatever that his conclusion, that the significance of the meeting of the League, and the attitude adopted in it by the Muslims, are of great importance, is correct; and that its reactions on the all India politics and the general position may, if Muslims can but hold together and work to a common policy, be expected to be considerable. Emerson's letter summarises his conclusions very clearly, and I am generally disposed to agree with those conclusions as stated in his paragraph 9. I ought to explain that, when he suggests that the conclusions of the League may ultimately lead to agreement between Congress and the Muslims, what he has, I gather, in mind is that sufficient pressure brought upon Congress by a solid Muslim front may result in getting Congress to adopt a more reasonable attitude, and possibly to reach an agreement with the Muslims which would give the latter a certain amount at any rate of what they want. So far as the Punjab situation is concerned, the effect of the League's discussion has been definitely to strengthen and to consolidate Sikandar's position. For

¹ See No 507

² Not printed

it would seem that he has for some time past, primarily no doubt as a result of his endeavours to promote communal unity, been suspect to the extremer Muslim elements, and these elements in that light of his conduct at Lucknow, are now entirely reassured that in Sikandar they have a sound communal leader.

6. From our point of view, desirable an agreement between all parties may be in principle, I am not sure that such a consummation is entirely to be welcomed. But the alternative—absorption of Muslims by Congress—would be equally undesirable. The contingency, in question, is, however, as Emerson fully accepts; one which at the moment would appear to lie some distance ahead and I do not think we need concern ourselves particularly about it, save to the extent that it is proper to take it into account in any endeavour to assess the position over the field as a whole.

7. You will have seen that Emerson's general reaction closely corresponds that of Haig, (see his letter of 24th October, which will have been repeated to you); though Haig does not analyse the position in the same close detail as Emerson and I shall watch with interest the views of other Governors. I asked Emerson how Sikandar contrived to harmonize this apparently definite communal development on his part with the efforts which he is making (and which I took every opportunity to support in the speeches I made in the Punjab), to eliminate communal differences in his Province, and to work for a degree of unity between the various religious sects concerned. Emerson was alive to that side of the matter, and from the translation which he showed me from the vernacular press it is quite clear that it has attracted considerable attention locally. More than that: there is some conflict, it appears, between the statements which were made by Sikandar on his return to the Punjab and the statements which have been made by other persons present at the Conference. But Sikandar (whose position, so far as one can form any conclusion on such a matter on a visit for four days to a Province, is a very strong one locally) is in no way perturbed. He has so far adopted the tactic of ignoring requests for explanation of the alleged inconsistencies, and there is at present no sign of unrest in the Punjab Unionist Party. The Sikh representative, Sir Sundar Singh, is, I gather, much more concerned with the Sikh politics than with these wider questions; and Chhotu Ram, equally, is not very greatly disturbed at what is taking place. In fact, the general impression I derived was, that the Punjab Ministry was much more afraid of Congress than concerned with the possible inconsistencies in Sikandar's attitude.

8. You will judge from all these that the position is by no means free from intricacy, but I am sure that Emerson and Haig are right in attaching real importance to what has taken place.

OCTOBER 1937

516

*Zetland to Linlithgow Expressing Concern over Left Wing
Subversive Movement (Extract)*

Zetland Papers

27 October 1937

I have read the report of the Director of the Central Intelligence Bureau for the week ending the 9th of October with some concern. It contains much that provides food for serious thought, and that detracts to some extent from the satisfaction which you and I must both feel at the way in which the Ministers are benefitting from their experience of the art of government. In their case responsibility is quite clearly having the effect which we always hoped and anticipated that it would have. But outside the legislature tendencies are not so favourable and it looks as if the left wing generally and the communists in particular are preparing the ground for a future subversive movement on a grand scale. It is difficult to know best how to counter this; but I have no doubt that you have your eye upon it and that it is constantly in your thoughts.

517

Barindra Kumar Ghose to Zetland on Better Ties Between India and Britain

Zetland Papers

DARJEELING

23 October 1937

MY DEAR LORD ZETLAND,

Many thanks for your kind letter of June 4th. I have taken unconscionably long time to answer it because I wanted to write to you with the glad tidings that the new Government also has found ways to utilise my services like the previous Government; but nothing has transpired yet in my favour. Sir K. Nazimuddin, the new Home Minister was so long busy with crowded Assembly programmes. Now he along with the cabinet and his secretaries is busy preparing a scheme of reorganisation of the Publicity Department and the propaganda side of it. It may take another couple of months at the least before anything can be

found for me. I have been sitting idle since July and may have to do so for some time yet. The good thing is, that, His Excellency has himself been gracious enough to request Sir Nazimuddin to find something suitable for me if practicable. I brought my ailing wife here for a change of air and took this opportunity to meet Sir K. Nazimuddin at Darjeeling.

I am ashamed to worry you with my personal affairs like this. Only the exceptionally kind interest you take in me emboldens me to do it. I am writing to you from here but my permanent address is 9, Khilat Babu's Lane, Cossipore, P.O., Calcutta.

India is passing through a very interesting phase. Mr. Gandhi has done an inestimable service to India and England by persuading the Congress to accept office. Now I am sure it will be easy to avoid pitfalls and steer a rational and middle course and thus shape India's destiny with the help of British genius. It is very interesting to note how sobering is real responsibility. Fiery and unreasonable critics of yesterday are fast sobering down into cautious administrators.

But do not think that the danger is past. There are enough combustible elements in India and else where to even upset a strong Congress Ministry and bring about a worse crisis than before. I hope I contributed my mite in the release of Subhas Chandra Bose by my repeated pleadings with you and the Government. It has been your greatest stroke of policy so far as Bengal is concerned. Nothing could conciliate refractory Bengal as this act of political wisdom has done. Subhas, I am sure, will justify my intercession and will walk the path of non-violence and constitutionalism. Let India gradually win full self-determination even amounting to complete independence devoid of British control. So long as she is wise enough to retain British goodwill and friendship she is sure to help shape the destiny of both herself and England for mutual wellbeing. India free and strong closely knit and co-operating with England with her rare genius for constructive idealism will indeed be a great force towards world-peace. A new League of Nations may yet emerge out of the present imperfect one, with India, China and sobered Japan in it and together shape a common destiny for Asia, Europe and America. I do not think until the League becomes a centre of international military power marshalled for peace, you can really make world-peace effective. Turn this armed might of the civilised world against aggression. Until the nations can combine into such a world confederacy, no amount of subversive communism can make socialistic doctrines really effective and productive of great results. Truths like that have to be consciously imbibed, assimilated and then translated into practical politics before they can be dynamised. I am dreaming a dream of spiritual truth and universal love actually lived and

not only preached—a new political christianity—a dynamised divine unity of Upanishads realised at last into our day to day life. What does it matter if it is fully materialised ages hence? To be able to dream it means releasing incalculable force in the psychic plane which can not fail to slowly change this material world.

You are a great son of Britain with an unique breadth of vision and the soul of a poet of life and action. I hope you and I will live to see something of this realised in the relationship between England and India. You were only seemingly the conquerors but really the saviours and rejuvenators of a decaying India and the East. The East was dying; you verile sons of the West came with your magic touch to make the East live again and aspire to greater and greater heights never reached before.

I wish you could persuade the Government of India and our Provincial Governments to realise that wholesale release of political prisoners of all descriptions will be gesture great enough to win the heart of India and break the backs of subversive cults for a long time to come.

Yours sincerely,
BARINDRA KUMAR GHOSE

518

Linlithgow to Haig on the Significance of Muslim League Meeting at Lucknow

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI,
28 October 1937

[SECRET]

MY DEAR HAIG,

'Many thanks for your secret report of 24th October, No. U.P.-13. Certain of the matters covered by it we have dealt with separately. I wrote to you today in regard to the proposed jail delivery and I am writing by this mail about the terrorist prisoners. I have also written to you about the situation which has developed in regard to the Silver Jubilee functions of the Allahabad University. I ought perhaps to add that in view of the importance and interest of the issue raised in that case I sent a copy of our correspondence to the Secretary of State.

2. I am relieved to find that the Gorakhpur situation should be so much easier; and it is all to the good that the joint enquiry by the

Collector in charge of the Jhansi division and Kher should have gone well. You may care to mention this particular case to me again once you receive their report. From the press I gather that the Cawnpore situation is still far from satisfactory, and it is obvious that we shall have to keep a very close watch indeed on developments there. But I have the impression from our previous correspondence that you are well satisfied with the calibre both of the Collector and of the local Police officials.

3. As regards tenancy policy, I am relieved to find that your Government should have adopted so successful a line as they apparently have. From their own point of view, too, in basing themselves (in so far as they may decide to do so in the Parliamentary Committee) on the preliminary investigation by an authoritative and representative official committee, they have taken out an insurance of substantial value. It is equally to the good that they should have adopted a similar policy in regard to debt relief.

4. I am glad that you propose to take an opportunity to give publicity to the hydro-electric and tube-well schemes. I quite recognise that there may be aspects in both schemes which do not carry conviction to everyone. For all that I do strongly feel on such judgement as I can form of a highly technical matter of this character that they represent a very definite achievement and a real contribution to the development of the Province; and I am sure that in justice as you say both to your former Government and to Stampe it is well to make your attitude clear. As for Stampe himself, I am well aware from the remarks which he has made to me at various times of his anxiety to be retained for further period. I have always regarded that desire as entirely disinterested and as arising merely out of his absorption in the fascinating series of problems with which he has been associated for so many years. I am only sorry that in these circumstances (for he impressed me as having remarkable drive and energy for a man who has spent so many years hard service in this country) he should have played his cards badly with the result which you now describe.

5. I am interested in your decision as regards Irrigation administration and the appointment of a Civilian Secretary. And I am interested, too, that the pressure for a Civilian Secretary should have come from your Ministry. On the details you give me the case seems a good one; and, speaking from memory, when I was in India ten years ago there was an arrangement in the Punjab under which a member of the I.C.S. served as Financial Adviser, Public Works Department, and Joint Secretary in the Finance Department, though that of course was an arrangement which is not on all fours with the proposal you now mention to me.

6. I attach considerable importance to the discussions in the Muslim League. Not only the representations I myself have received throughout

the summer from Muslims, either individually or collectively, but also the reports available to me from various Provinces agree with your estimate that Moslem opinion appears at the moment to be uncertain and irritable. I am myself inclined to your view that (assuming always that the Moslems will hold together) the very strong and definitely communal character of the Lucknow discussions is likely to have an important bearing on future political developments. That view is certainly held by Emerson with whom I took the opportunity to discuss the situation during my recent visit to Lahore. But what will be of much interest in these circumstances will be the result of the bye-election at Bijnor which as I write we still await.

Yours sincerely,
LINLITHGOW

519

*Linlithgow to Cunningham Appreciating Khan Sahib's Attitude Towards
Social Contact (Extract)*

Linlithgow Papers

28 October 1937

[CONFIDENTIAL]

MY DEAR CUNNINGHAM,

Many thanks for your report of 23rd October. I am glad to know how Jawaharlal's visit passed off. It is satisfactory that he should both himself have kept clear of tribal affairs and that he should have advised his followers to take the same line.

2. I was greatly interested in what you tell me in paragraph 2 of your report about Dr. Khan Sahib's attitude towards social contacts, and I propose, on the assumption that you will see no objection, to let other Governors have a copy privately of the relevant extract. I agree with you that it is unfortunate that the matter should have arisen simultaneously with Jawaharlal's visit, for it would have been a considerable advance to have had Khan Sahib present at the Investiture. But it is all to the good that he and his Ministers should be prepared to accept ordinary invitations to dinner and the like, and I would like to think that they may be able to overcome difficulties even to the Investiture.

3. Before I received your report I was discussing with Ewart the general position in relation to Calling Books when he raised a point which is I think of importance, though I confess that it has not previously occurred to me, and that is the extent to which it is entirely proper that officials should pay and return calls when the Minister concerned has not yet called on the Governor. I am not quite sure whether Khan Sahib and his Ministers have in fact called upon you; and I would be interested to know what the position is in this regard. As you know I am disposed to take a somewhat realist aspect of these questions: but equally I am concerned to see that we adopt a general consistent policy based if practicable on some easily recognisable principle.

4. We should I think have been a little surprised had we been told six months ago that Abdul Ghaffar within a month or so of his return to the Province would have been "advocating co-operation with the Police and abstention from crime". I need not say how much I welcome his attitude.

5. I am very glad to hear that Ministers accept the view that the abolition of licence fees on arms was outside their power.

6. Khan Sahib's attitude regarding Parliamentary Secretaries seems wholly satisfactory, particularly as regards the delegation of power. I take it as regards petitions that Parliamentary Secretaries will go through petitions and submit the results of enquiries to the Prime Minister; and that there will be no question of his issuing instructions in any way to departments either on his own authority or by delegated authority in respect of the matters covered by a petition. In a circular letter of 20th August I sent to Governors certain material which might I thought conceivably be of value to them in dealing with this whole question. The Secretary of State has now offered to let me have a self-contained memorandum based on practice at Home, and this I have gladly accepted. I will let you and other Governors have it as soon as I receive it.

7. I am glad that your report should touch on the question of the reactions to Congress of Indian members of the various Services. There is always, I suspect, a risk that we may tend to direct our attention rather too exclusively to the reactions of the Europeans; and I am sure the Secretary of State would welcome it as much as I shall if you care to let me have an appreciation as affecting both sides whenever you think that circumstances justify this. Your report is definitely encouraging. In one or two Provinces there are signs that individual Indian officials (not I suppose wholly unnaturally when one considers the circumstances) are endeavouring to trim their sails to the Congress breeze. But Governors are keeping a close watch on the situation in this regard, and there seems no cause at this stage to feel any apprehension in respect of it.

8. Emerson with whom I have just been staying regarded the discussions of the Muslim League at Lucknow with the very frankly and outspokenly communal tinge which characterised them, as of much significance from the general political standpoint. Haig is disposed to take the same view. It is relevant that the subsequent discussions in Calcutta (even if we make some little allowance for the natural desire to suggest to the Working Committee that no compromise is possible) equally took an uncompromising line in support of the Muslim demands. I find it early yet to reach any firm conclusion myself as to the precise ultimate significance; but equally I am disposed to share Emerson's view that this may well be a very important turning point in the relations of the Congress and the Muslims (if the latter can but hold together), and so in the development of the general political situation.

Yours sincerely,
LINLITHGOW

520

Congress Working Committee's Ratification of Office Acceptance and Recommending Repeal of Repressive Laws

AICC Papers, F.No. 42/1936

26 to 31 October 1937

A meeting of the Working Committee was held at Calcutta on 26.10.1937. Shri Jawaharlal Nehru presided. The members present were: Maulana Abul Kalam Azad, Sarojini Naidu, Vallabhbhai Patel, Jamnalal Bajaj, Khan Abdul Ghaffar Khan, Subhas Chandra Bose, Jairamdas Doulatram, Bhulabhai Desai, Narendra Dev, Shankarrao Deo, Achyut Patwardhan, J.B. Kripalani.

At 2 p.m. the Premiers from the Congress provinces who had been invited to attend the Committee's meeting were called in. Those present were—Shris Govind Ballabh Pant (U.P.), B.G. Kher (Bombay), Sri Krishna Sinha (Bihar), N.B. Khare (C.P.), Vishwanath Das (Orissa), Shri Rajagopalachari was absent owing to ill-health. The Committee however called those of the Ministers from Madras who were present at Calcutta namely, Shri T. Prakasam, K. Raman Menon, and Dr. P. subbarayan. Dr. Khan Sahib from the Frontier was absent. The Committee conferred with the Ministers on the problems that they had to face in

their respective provinces. Discussion centred round particularly on the recent happenings in Madras where (1) Mr. Batliwala was arrested for sedition under Sec. 124A (2) the Premier had expressed his opinion about the desirability of continuing the present arrangement by which the judiciary and the executive are combined (3) the continued presence of the C.I.D. in meetings addressed by publicmen (4) the circular issued by the Leader of the Parliamentary Party to the different Congress organisations in Madras that servants of the local bodies be not enrolled as Congress members (5) the Premier's opinion against the formation of linguistic provinces and (6) the demand of pre-publication security from a paper.

Mr. T. Prakasam said that owing to the unavoidable absence of his chief he was not in a position to discuss the different questions raised but he thought he could explain everything that had been done in Madras since the time that they had accepted office, to the satisfaction of the Committee. There was a general discussion and the Committee was of the view that so far as it was possible discussion on these topics be avoided in the A.I.C.C. It was also the Committee's opinion that instead of allowing the A.I.C.C. to exercise control over the Ministeries it would be better if this control was exercised by the Working Committee.

The Committee regretted that owing to the serious breakdown of his health Shri Rajagopalachari was unable to be present. It deputed Sardar Vallabhbhai Patel to proceed to Madras to inform Shri Rajagopalachari about the feeling in the country and ascertain his views and inform the Working Committee thereon.

ADVOCATES-GENERAL

The committee also discussed the question of the appointment of the Advocates-General. It was the general opinion that this was a political appointment and the Congress Ministries should have a say in the matter.

CABINET MEETINGS AND THE GOVERNOR

The question of the Governor presiding at the Cabinet meetings was again discussed. In C.P. the Premier said, that the issue was kept alive. This was so in Bombay too. In Utkal and U.P. the matter had been dropped but the Cabinet met under the presidentship of the Governor simply to record the decisions that were arrived at during their private meetings. In U.P. the Governor had made it clear to the Premier that he was not free in this matter and that his orders were to insist upon presiding over Cabinet meetings.

TITLES

The general opinion of the Committee in this matter was that this was a question in which the Ministries should take a firm stand. The Congress was bound to oppose the conferment of titles on subordinate Government servants. Gandhiji's view was that the Governors should be definitely told that the conferring of such titles on the members of the Provincial services will be a hostile act. The Government was to be impressed that it was quite possible that holding the views that they did on this matter the Ministers were likely to be prejudiced against those subordinates of theirs who are recipient of titles. It was the opinion of the Committee that resolutions on the abolition of titles should be passed in the legislatures.

REPEAL OF REPRESSIVE LAWS

There was a general discussion about this. The Bombay Premier placed before the Committee the position in his province where certain groups were persistently preaching violence and talking of a general strike. The President's view was that the Congress Ministry was bound by the terms of the election manifesto and that they must repeal repressive laws as soon as possible. His opinion was that it was not open to the Congress government to put down public agitation by repression. If they did it they would defeat their own object. They would raise a public storm of protest which they will not be able to survive. Even from the point of view of expediency therefore they could not allow these laws to continue on the Statute Book nor could they make use of them.

Shri Govind Ballabh Pant wanted a clear enunciation of the Congress policy with regard to preaching of violence in rural and urban areas. The discussion was inconclusive.

Following resolutions were passed to be placed before the A.I.C.C.

MIDNAPORE CONGRESS ORGANISATION

The Working Committee strongly deprecates the continuance of the ban on about 110 Congress organisations in the District of Midnapore imposed by the Government of Bengal and is of opinion that the plea put forward by the Government to the effect that the Congress Committees are limbs of a terrorist organisation is an altogether false one.

RATIFICATION OF THE WORKING COMMITTEE'S RESOLUTION ON
OFFICE ACCEPTANCE

By a resolution dated the 18th March 1937 passed by the A.I.C.C. at Delhi, it was resolved that permission be given for Congressmen to accept office in provinces where the Congress commanded a majority in the legislature if the Leader of the Congress Party was satisfied and could

state publicly that the Governor would not use his special powers of interference or set aside the advice of ministers in regard to their constitutional activities.

Since the said resolution, statements and declarations were made on this issue on behalf of the British Government.

After examining those declarations and the situation created as a result of circumstances and events which occurred after the A.I.C.C. resolution of March last, the Working Committee was of opinion that it would not be easy for Governors to use their special powers.

Having considered the views of the Congress members of the Legislatures and Congressmen generally, the Working Committee at Wardha at its meeting held in July 1937 came to the conclusion and resolved that Congressmen be permitted to accept office wherever they were invited thereto.

Had circumstances permitted, the Working Committee was anxious to obtain the sanction of the All India Congress Committee in the matter but the Committee felt that delay taking a decision at the stage would have been injurious to the country's interests and that the matter demanded a prompt and immediate decision.

It is therefore resolved that the action of the Working Committee in taking the said decision be ratified.

FEDERATION

In view of the announcements made on behalf of the British Government that steps will be taken to inaugurate the proposed Federation, the All India Congress Committee reiterate their emphatic condemnation of and complete opposition to the scheme and their decision to combat it in every possible way open to them. An attempt to inaugurate this scheme, despite the clearly expressed will of the nation, will be a challenge to the people of India. The Committee therefore call upon the Provincial and local Congress Committees and the people generally, as well as the Provincial Governments and Ministeries, to prevent the imposition of this Federation, which will do grave injury to India and tighten the hands which hold her in subjection to imperialist domination and reaction. The Committee are of opinion that Provincial Governments should move their legislatures to give formal expression to this opposition to Federation and to request the British Government not to impose it on their provinces.

Note:- Discussing the Resolution on Federation Gandhiji gave as his opinion that it was not possible that the Committee could at that stage lay down any concrete scheme for boycotting the introduction of the Federal Scheme. He however held that the Congress Cabinets should in a confidential note inform the Government of India about their own view about

the Federation. Gandhiji was also of the view that if the Congress Governments consolidated their strength during the time at their disposal the British Government will find it hard to impose the scheme upon India. Resolutions rejecting the Federal Scheme were to be passed in the local legislatures.

The Committee adjourned at 6.30 p.m. and met again on the 28th at 8.30 a.m.

PUNJAB UNITY CONFERENCE

The Committee discussed the question of the participation of the leader of the Punjab Congress Party in the Legislature in the Unity Conference.

The Committee invited Dr. Gopichand and Shris Dunichand and Mangal Singh to place their views before it. The Committee listened to their views about the Unity Conference and the general political situation in Punjab, and passed the following resolutions:-

(1) Japan's aggression in China

The All India Congress Committee view with grave concern and horror the imperialist aggression of Japan in China attended with wanton cruelty and the bombing of the civil population.

The Committee express their deep admiration for the brave and heroic struggle which the Chinese people are conducting against heavy odds for maintaining the integrity and the independence of their country and congratulate them for achieving internal unity in face of national danger.

The Committee offer their heartfelt sympathy to the Chinese people in their national calamity and, on behalf of the people of India, assure them of their solidarity with them in their struggle for maintaining their freedom.

The Committee, further, call upon the Indian people to refrain from the use of Japanese goods as a mark of their sympathy with the people of China.

(2) Indian Exiles abroad

The All India Congress Committee urge the Government of India to remove all restraints and restrictions on entry into India of all political exiles including:-

Syt. Virendranath Chattopadhyaya
 Dr. Abani Mukherjee
 Syt. Mahendra Pratap
 Syt. Pandurang Sadashiv Khankhoje
 Sardar Ajit Singh
 Maulvi Obeidullah
 Maulvi Abdullah Khan
 Dr. Taraknath Das
 and Quazi Abdul Wali Khan.

(3) Meerut and Muzaffarnagar

It is resolved that the districts of Meerut and Muzaffarnagar be separated from the Delhi Congress Province and incorporated in the United Provinces Congress Province and consequential changes be made in the Constitution.

BANDE MATARAM

The Committee then discussed the question of the National song Bande Mataram. There had been agitation in the press from the Mohammadans against the use of the song on national occasions as it was believed to contain some idolatrous references which were repugnant to the feelings of the Mohammadans and offended their religious susceptibilities. It was pointed out that the two first paragraphs of the song which were used at public meetings contain nothing that could offend a member of any religion or denomination. However a Committee was formed consisting of the President, Shri M.K. Gandhi, Maulana Abul Kalam Azad and Shri Subhas Chandra Bose to go into the whole matter and prepare a statement to be kept before the Committee which after approval may be issued.

MYSORE

There was a general discussion about the repressive policy in Mysore State about which complaints had been received in the office and by the President. Also a notice of a private resolution had been given in this connection. Gandhiji's view was that such a resolution could not come as it militated against the fundamental policy of the Congress, of non-interference in the internal affairs of the Indian States which had not been yet changed.

POLITICAL SITUATION

The Committee then discussed the general situation in the country. Gandhiji's view was that as there were two distinct policies advocated by two groups in the Congress it will be advisable that any one group should allow the other to function without interference of the other. The President's view was that the two parties must pull together as they had been doing hithertofore.

NARIMAN'S CASE

Shri M.K. Gandhi sent to the Committee the judgement in the Nariman Case with his covering letter. The Committee discussed the judgement together with Gandhiji's covering letter and passed the following resolution:

The Working Committee considered that report of Shri M.K. Gandhi

and Shri D.N. Bahadurji regarding the issues raised by Shri K.F. Nariman. The Committee also considered the covering letter of Shri M.K. Gandhi and the two statements issued by Shri K.F. Nariman in regard to the report of the Inquiry Committee. The Committee are of the opinion that in view of the findings in this report and his acceptance of them and his subsequent recantation, his conduct has been such as to prove him unworthy of holding any position of trust and responsibility in the Congress organisation.

In view of these facts the Working Committee direct that the report and the letters accompanying it be published in the press.

521

Congress Working Committee on Bande Mataram

AICC Papers, 42/1936

28 October 1937

THE BANDE MATARAM SONG

The following statement was issued by the Working Committee with regard to the controversy about the national song Bande Mataram.

A controversy has recently arisen about the Bande Mataram song, the Working Committee desire to explain the significance of this song. This song appears in Bankim Chandra Chatterji's novel "Anandmath" but, it has been pointed out in his biography, that the song was written independently of and long before the novel, and was subsequently incorporated in it. The song should thus be considered apart from the book. It was set to music by Rabindranath Tagore in 1896. The song and the words "Bande Mataram" were sought to be suppressed by violence and intimidation. At a session of the Bengal Provincial Conference held in Barisal in April 1906, under the Presidentship of Shri A. Rasul, a brutal lathi charge was made by the police on the delegates and volunteers and the Bande Mataram badges worn by them were violently torn off. Some delegates were beaten so severely as they cried Bande Mataram that they fell down senseless. Since then, during the past thirty years, innumerable instances of sacrifice and suffering all over the country have been associated with Bande Mataram and men and women have not hesitated to face death even with that cry on their lips. The song and the words thus became symbols of national resistance to British imperialism in Bengal especially, and generally in other parts of India. The words "Bande Mataram" became a slogan of power which inspired our people

and a greeting which ever reminds us of our struggle for national freedom.

Gradually the use of the first two stanzas of the song spread to other provinces and a certain national significance began to attach to them. The rest of the song was very seldom used and is even now known by few persons. These two stanzas described in tender language the beauty of the motherland and the abundance of her gifts. There was absolutely nothing in them to which objection would be taken from the religious or any other point of view. The song was never sung as a challenge to any group or community in India and was never considered as such or as offending the sentiments of any community. Indeed the reference in it to thirty crores of Indians makes it clear that it was meant to apply to all the people of India. At no time, however, was this song, or any other song, formally adopted by the Congress as the National Anthem of India. But popular usage gave it a special and national importance. The Working Committee feel that past associations, with their long record of suffering for the cause, as well as popular usage have made the first two stanzas of this song a living and inseparable part of our national movement and as such they must command our affection and respect. There is nothing in these stanzas to which any one can take exception. The other stanzas of the song are little known and hardly ever sung. They contain certain allusions and a religious ideology which may not be in keeping with the ideology of other religious groups in India.

The Committee recognise the validity of the objection raised by Muslim friends to certain parts of song. While the Committee have taken note of such objection in so far as it has intrinsic value, the Committee wish to point out that the modern infinitely greater importance than its setting in historical novel before the national movement had taken shape. Taking all things into consideration therefore the Committee recommend that wherever the Bande Mataram is sung at national gatherings only the first two stanzas should be sung, with perfect freedom to the organisers to sing any other song of an unobjectionable character, in addition to, or in the place of, the Bande Mataram song.

But while there can be no question about the place that Bande Mataram has come to occupy in the national life, the same cannot be said as to the other song. People have adopted songs of their choice irrespective of merit. An authentic collection has long been felt as a desideratum. The Committee therefore appoint a sub-committee consisting of Maulana Abul Kalam Azad, Shri Jawaharlal Nehru, Shri Subhas Chandra Bose and Shri Narendra Dev, to examine all current national songs that may be sent to it and those who are so inclined are invited to send their composition to this Sub-Committee. The Sub-Committee will, out of

the songs so received, submit to the Working Committee the collection that it may choose to recognise as being worthy of finding a place in a collection of national songs. Only such songs as are composed in simple Hindustani or can be adapted to it, and have rousing and inspiring tune will be accepted by the Sub-Committee for examination. The Sub-Committee shall consult and take the advice of poet Rabindranath Tagore.

The Working Committee recommends to PCC.'s to take similar steps in regard to songs in the provincial languages.

Note:- In the statement attention is drawn to the reference in the *Bande Mataram* song to thirty crores of Indians. It should be remembered that this figure crept in at a later stage when the song came to have a national significance. As Bankim Chandra Chatterji wrote it, the figure was seven crores. This applied to the then province of Bengal which included Bihar. Even then it referred to the entire population of the province without any religious distinction.

522

Nehru's Speech at the AICC Session in Calcutta on Congress Ministries and Bande Mataram

Amrita Bazar Patrika, 30 October 1937

The last meeting of the A.I.C.C. was held in Delhi six or seven months ago. At that meeting, among other important subjects, the most important was the one which related to office acceptance. The country had been agitated over that issue for long. There were different points of view. Eventually it was decided by the Working Committee to accept office provided we were assured that the Governors would not interfere with the constitutional activities of the ministers. Then we did not get all we wanted. After some exchange of views through press statements between the Congress leaders and the authorities concerned, both in England and India, the Working Committee decided to authorise the Congress representatives to accept the responsibilities of office in the six provinces in which the Congress Party was in majority. Since then the Congress has also formed the ministry in the North-West Frontier Province. This decision of the Working Committee was not in full consonance with the Delhi formula put forward by the A.I.C.C.¹, and as such it will be placed before you for ratification.

¹ See No. 520

My personal view was against office acceptance and so with your permission I want to give my views on the new experiment after it has been worked for the last few months. In my opinion, office acceptance has benefited us. The country is pulsating with a new life and new vision. As Congress President I go about in different parts of the country, and as such have ample opportunities of seeing and feeling how the kisans, peasants, labourers and traders are feeling as a result of the new experiment. Wherever Congress governments have been established, people are heaving a sigh of relief. But we have to see how far we have advanced towards our real objective or whether some weaknesses have entered into our scheme of things. As regards the work of the Congress ministers, my own idea is that they have done a lot of good. In doing a lot of little good things they might forget the bigger objective. Good work is good in itself and interests us. But sometimes it also diverts our attention from the really big issues. I do not say that this has been the case. But there is always the danger. It is up to this House to be vigilant and save us from that danger.

The Congress ministers are in very great difficulty. So far our life has been a life of struggle against the British raj and as such it has been an agitational life. That struggle is still with us, and will continue till complete independence is achieved. But with new changes, new responsibilities have devolved upon us. Ministers are our own men and are members of the A.I.C.C.

I want to tell you what I feel in my heart of hearts. May be you also feel like me, with the only difference that I have opportunities of knowing more things than you have. We are all anxious and restless to get out of slavery and to be free. Unfortunately, in our country so many problems have got to be solved, due to the folly and indifference of our rulers who have allowed most essential problems to be accumulated. At times, I feel upset that our pace in the matter of improving the lot of the masses has been slow so far. I do not criticise our ministers. I feel sympathy for them in the uphill task that confronts them. But this does not mean that people who still find their lot not improved appreciably should not voice their grievances. Our masses have been oppressed, suppressed and downtrodden for ages past. They could not speak about or discuss the matters which affected their interests adversely. It is the Congress which created and fostered the democratic spirit in them with the result that they have now started to feel and agitate about their grievances. This is a necessary concomitant of the spirit of democracy which has been inculcated by the Congress. That spirit has to be encouraged, strengthened and used on the right lines. That being so, it would be wrong to suggest that the Congress ministers should not be criticised and that the people should keep tongue-tied. If that were so, why did we assemble here? But having said

all this, I feel that there should be a proper appreciation of the handicaps that our Congress ministers have got to labour under in the initial stages and that every criticism should be based on weighty reasons and must be of a constructive nature. Criticise the Congress ministers you must whenever there is sufficient justification for it. They are your creatures. Today, if you so desire, they will come out. They are there not at the sweet will and pleasure of the Governor. They owe allegiance to you and the Congress organisation. If this view is taken, then your criticism should prove helpful and friendly because it would be done with the desire to strengthen their hands and not to weaken them.

Our workers have been talking a lot about the Muslim mass contact move on the part of the Congress. There is a lot of misconception about it. We do not, in our calculations and scheme of things, discriminate between Hindus and Muslims as such. Our mass contact move has succeeded beyond the most optimistic calculations, so much so that today the Congress claims a far larger number of Muslims in its fold than the Muslim League can do. Only recently a vigorous attack was launched on the Congress by Mr. Jinnah's Muslim League at Lucknow. But we need not worry about such baseless insinuations. A few days ago at Bijnor, there had been a straight contest between the Congress and the League, and you will hear shortly that the Congress nominee has succeeded with a thumping majority.

Fortunately, we meet here in this province of Bengal which has got a tremendous record in our political life, a record of great sacrifice, a province which has been in the forefront of our national struggle for all these generations. Yet it is our misfortune that you are not sharers in the freer atmosphere and feeling of exhilaration that the Congress ministries have brought in other provinces. You have yet to put up with the old ways of repression. You have the same old heavy atmosphere. You have yet to think of problems, which in other provinces are past problems, where they can now face newer problems. But you have to spend yet so much of your energy on the problems of repression, of detenus and political prisoners, banning of Congress organisations in Midnapore and Chittagong, and so many things. You are oppressed and naturally your major problem is still how to get out of these.

I wish to assure you that in those provinces where the Congress ministries are functioning there is no forgetting of what is happening in Bengal. There is anxious realisation of this state of affairs and a deep-seated desire to do something which might be of help to you because obviously we hang together.

It may be that the British Government, while introducing provincial autonomy, sought to increase provincialism, to introduce differences between various provinces, so that they may not engage themselves so

much in the problems of all India. Be that as it may, we have certainly based our national movement on the fullest and completest freedom of India, and it is inconceivable that we would think of half a dozen provinces and forget the rest. It is impossible. If Bengal is pulled down, the whole of India is pulled down, the rest of India is pulled down for the time being. One affects the other. We cannot consider these problems in isolation and, therefore the problems that are worrying Bengal are not the problems of Bengal but the problems of India, in which the whole of India has not merely an academic interest but a live interest. I hope that desire will bear fruit.

I hope you have seen in today's paper a statement issued by the Working Committee in regard to the *Bande Mataram* Song.² You must have seen, in some of the newspapers, big headlines expressing resentment at the Working Committee's statement. I want to tell you, first of all, that this statement was drawn up by the Working Committee after most anxious and prolonged thought and after consultation with a large number of people that we could get into touch with.

I want to tell you that we did not consider this matter in Calcutta only but for weeks past we had been considering this matter by correspondence and otherwise, by consultation specially with leading friends in Bengal and elsewhere.

Why did we consider it? Not because objection was taken to it by some—the Congress is strong enough to fight that objection—but because having carefully examined it we felt that in regard to one or two matters, legitimate objections might be taken. We have to consider it from an all-India point of view, because we are the All India Congress. We cannot think in terms of provincial groups or religious sections. We have to look at it from an all-India point of view. There are certain words in it which certainly can be taken objection to by some. If so, we have no sufficient answer to give to those who object. We do not very much mind the objections of some people who do it just for the sake of it. But we wanted to consider this problem purely rationally.

Therefore the first thing I wish you to realise is that this was done after most careful consideration—and in a small way after months of consideration—and certainly after some days of intensive thought and consideration. Nothing was done rapidly or in a hurry. Of course long consideration does not justify a false or wrong act.

But I want you to read carefully the statement that the Working Committee has issued and I beg of the editors and leader-writers of newspapers to read it very carefully, because I feel that the statement reached many of the newspapers in the small hours of this morning.

² See No. 521

When they got it probably they did not have much time to read it carefully, and I do say—not in a spirit of challenge—that there is not a single word in the statement to which anybody can take any objection.

You will see that the major part of the statement is meant to be placed before the public—and we are thinking in terms of all India, not merely the public of Calcutta or of Bengal, but thirty-five crores of Indians. We have to deal with a large number of people who do not know the back-ground of the *Bande Mataram* song. They have heard it and they have liked it and a sentiment has grown round it. Few know how it arose and when it arose. Because of this ignorance of the background many honest misconceptions have arisen about it.

You will see that three-fourths or more than half of the statement shows the tremendous significance of the *Bande Mataram* song in the national movement and national life of India. We have tried to show how it has become a part of our national life which it is impossible for any resolution of anybody to take out. For the first time in the Congress history we have dealt with this song more or less officially. It had never been done before—in spite of the tremendous sentimental reverence that have grown up—so far as I know, by the A.I.C.C. and much less by the Congress; so that for the first time we have recognised officially the place of the *Bande Mataram* song, which has been used so often. The *Bande Mataram* song, really speaking, has now become a far greater part of our national movement than it was at any time before. At the same time we have tried to point out that a part of the song, the first two stanzas, are such that it is impossible for anyone to take objection to, unless he is maliciously inclined. We have recognised that in the rest of the song there is ideology, imagery, allegory, etc., which people of various groups cannot put up with. Remember, we are thinking in terms of a national song for all India. Therefore if there is an ideology which various groups in India cannot honestly and sincerely accept, then it is an improper ideology for a national song.

I, for myself, cannot really enthuse over ideology, Hindu or Muslim. As soon as the ideology comes, I forget *Bande Mataram*. People's mind is diverted to other thoughts and it introduces a sense of confusion in their minds, since their attention is diverted to allegories, phraseologies, and ideologies which do not suit other people. The latter part of the song is seldom used in the rest of India. We have in our statement recognised the existing practice and at the same time removed certain misapprehensions which were justified. I think the Working Committee's statement is a good statement and a right statement. To all our friends, who have seen some danger in it, I say that there is no danger in it and it is not disparagement of the song that has grown up in our national movement.

523

*Mysore Resident's Report on Political Agitation Against Mysore Government**R/1/29/1532**30 October 1937**Fortnightly Report for the Second Half of October 1937*

Political agitation against the Mysore Government has intensified during the last fortnight. On October 13th a "Repression Day" was observed by meetings on Bangalore and Mysore; and meetings have been held in many places to protest against the security proceedings against three members of the Congress Party. K.T. Bashyam Iyengar, who had been appointed "Dictator", took a prominent part in promoting the agitation until October 15th when he was arrested on a charge of sedition under section 124 (A) of the Mysore Penal Code with N.C. Thimma Reddy of Doddballapur. During their trial the two accused filed a written statement which was given to the press and in which a violent attack was made upon the Mysore Administration and particularly the Dewan. The following extract is typical of the propaganda that the persons taking part in this campaign are spreading in the State:-

Even the Dewan, the head of the Administration is carrying on a campaign of calumny and vilification against public workers; and now, naked repression has set in in persecuting and prosecuting prominent leaders and workers. Most of the money collected by the Government is thus wasted and misused. Illiteracy, insanitation, indebtedness and immorality are thus perpetuated in the State and the mass of the population are thus neglected and oppressed. Such is the attitude of the Government towards the people.

Nor have we any scope for expressing our grievances and demands freely and fearlessly. The atrocities of the Police are too notorious to mention and even the Government had to admit them on the floor of the Assembly. Public workers are terrorised, rounded up and cast into jail as agitators. We are characterised as lazy seekers after newspaper notoriety and threatened to be severely dealt with. Our names are blackened behind us and motives—often base—are attributed to us. Because we speak out the unpalatable truth about the Administration, we are suppressed under the Security sections or choked up under the law of Sedition. There is no freedom for a citizen in the State to-day to speak out the truth against the Government. The platform for the publication of truth is the guillotine of the public worker today.

On the arrest of Bashyam the Congress Board selected another "Dictator" and, anticipating his arrest, have nominated half a dozen successors.

2. On October 17th Mr. K.F. Nariman arrived in Mysore. He presided over the Local Bodies Conference and after a few days came to Bangalore. On Sunday 24th October a flag-hoisting ceremony had been arranged and Mr. Nariman had been invited to hoist the flag. The District Magistrate passed an order under section 39 of the Mysore Police Regulation prohibiting the hoisting of the Congress flag in Bangalore city for a period of two months. Mr. Nariman did not attempt to disobey this order but in the afternoon disobeyed a subsequent order served on him, prohibiting him from speaking at a meeting. His arrest at that meeting led to the disturbances in Bangalore city on the 24th and 25th. The city has now returned to normal conditions. A number of prominent citizens of Bangalore city have issued a public statement declaring that they have no sympathy with subversive movements of any kind and protesting against such movements initiated or encouraged by outside agitators there which had led to the incidents of the last few days. They assure the Government of the support of the citizens in all measures possible for the maintenance of law and order and appeal to the inhabitants of the city to co-operate in the fullest possible way with the Authorities in the preservation of the public peace.

The District Magistrate has issued an order prohibiting, for one week, public meetings, assemblies of five or more persons and the carrying of sticks, lathis or similar weapons.

The Mysore Government have deported Mr. B.N. Gupta, editor of a vernacular weekly, from the Mysore State. It is reported that he is not a Mysore State subject. They have also suppressed a vernacular newspaper called "Janavani".

The present "Dictator", Mr. K. Chengalrya Reddi, is reported to have gone to Calcutta to place the present position in the State before the All-India Congress Committee.

The Civil and Military Station has remained peaceful throughout. Mr. Nariman addressed one meeting there during his stay in Bangalore.

3. On the 16th October the Dewan inaugurated with an address the Dasara Session of the Representative Assembly at Mysore. As a protest against the Mysore Government's political policy the Congress members of the Assembly left the hall during his speech. An adjournment motion was moved concerning the arrest of K.T. Bashyam, but was subsequently withdrawn. The Dewan in his speech dealt at length with the policy of the Mysore Government in political matters. He said that the Mysore Government appreciated the influence which the

political changes in British India were likely to have on public opinion within the State and that the aspirations of the people of Mysore for greater opportunities to serve the State would meet with due response at the proper moment. He made it clear that the Government would only proceed cautiously with any constitutional reforms and that they would not be pushed into them by threats or agitation. He repudiated the allegation that the Mysore Government had launched a policy of repression against public workers and asserted that there was full freedom in the State to criticise the Government. He declared, however, that the Government would resist subversive activities by every means given to them by the law. In dealing with the attitude of the Congress in relation to the States he declared that the Mysore Government could not concede to any body of persons who are not subjects of His Highness the Maharaja the right to interpose in matters that lie strictly between the people and the Government of Mysore. He noted that Mr. Gandhi had consistently held that the Congress should refrain from attempts to meddle with the domestic concerns of the Indian States and he declared that in such respect for one another's autonomies lies the surest approach to good understanding and unity in India. He dealt with the policy of the State regarding the Congress flag. He said that the Mysore Government had no objection to the display of the Congress flag at places or on occasions which are connected with legitimate party activities but that they could not permit it to be displayed in a spirit of hostility to the State flag, or under conditions which are liable to cause provocation or annoyance to persons who are not members of the party. He declared that he was no enemy of the Congress and that the Government were fully sympathetic to the principal items of their constructive programme; but they could not view with approval or unconcern efforts made by any organization of people owing no allegiance to the State and its Ruler, to coerce them in matters of domestic politics.

He stated that in view of the continued depression of agricultural prices, the Mysore Government had held an enquiry into the question whether there were any cases in which the rates of agricultural assessment were pressing with undue severity upon the cultivator and he announced, as a result of this enquiry, reductions of assessment amounting to an annual loss of about Rs. 1,68,000 to Government.

He informed the Assembly that the actuals of 1936-37 showed a surplus of 10½ lakhs of rupees out of which 9 lakhs had been transferred to a reserve head to meet items of special expenditure.

CONFIDENTIAL.

*From the Resident in Mysore**F. No. 11/1937*

The disturbances in Bangalore city, referred to in Mysore fortnightly report for the second half of October 1937, have had no repercussions in the Civil and Military Station.

2. K.T. Bashyam Iyengar and N.C. Thimma Reddi, who were tried together on a charge of sedition under section 124 (A) of the Mysore Penal Code, were convicted and each sentenced to eighteen months' rigorous imprisonment and to pay a fine of Rs. 1,000 and, in default, to three months' further imprisonment.

3. The three members of the Congress party, against whom security proceedings had been instituted (*vide* paragraph 2 of Mysore Fortnightly report for the first half of October 1937), were sentenced to one year's simple imprisonment or until such time as they furnished security within that period.

4. Following the disturbances in Bangalore city about forty people have been arrested on various charges.

5. The order under section 144, Mysore Criminal Procedure Code prohibiting for one week, public meetings, assemblies of five or more persons and the carrying of sticks, lathis or similar weapons, referred to in paragraph 2 of Mysore fortnightly report for the second-half of October 1937 was extended for a further period of fifteen days.

524*Lumley to Linlithgow on Removal of Ban on Communists in Bombay**Linlithgow Papers*

Mahabaleshwar
1 November 1937

[CONFIDENTIAL]

MY DEAR LINLITHGOW,

1. This report covers the last half of October. Since the Government has begun to move from Poona to Bombay and since the Prime Minister and the Home Minister have been for some days in Calcutta,

and I myself am at Mahabaleshwar, there is nothing of great consequence to record.

2. *Communism*—I will continue the summary of events concerning this subject to connect up with my last report. It had been agreed between myself and the Prime Minister that the question should be discussed at a Cabinet meeting and this discussion duly took place. The Ministers had before them note of mine dealing with the subject which ended with these two questions: (i) Do Ministers desire the removal of the remaining bans and restrictions on Communists? (ii) Are Ministers convinced that it might be necessary to use emergency powers if serious trouble becomes imminent? The Ministers unanimously answered "Yes" to both questions. Subsequently a small difficulty arose when the record of Cabinet conclusions came round. Two Ministers wished to add to what had been recorded that they were convinced of the necessity of using emergency powers only if the ordinary law had been fully tried and had failed. I hope, however, that this matter will be satisfactorily disposed of at the next Cabinet meeting, since the Prime Minister has written that in his opinion the Cabinet conclusion should state that Ministers said "Yes" to the two questions mentioned above. In any case it does not seem to me to matter so much what is said now as what Ministers will do when the time comes, and I mention this slight difficulty only as an indication that there will probably be some Ministers who will act as a drag on effective action.

It had also been agreed that a communiqué should be issued with the notification of the removal of bans and here again a slight difficulty raised its head. The Home Minister showed a curious hesitation in producing the communiqué for me to see, and when eventually it arrived it was not easy to understand and was very feeble. I therefore drafted my own paragraph, saying that the Government was determined to maintain law and order and this, I am glad to say, was at once accepted by the Prime Minister and a communiqué was duly issued.

The notification about the removal of bans was made on October 19th. No very notable reaction has been apparent. All Congress newspapers have expressed relief and approval of the Government's action and the Prime Minister has told me that there is a much greater feeling of unity amongst his followers. As far as the Communists are concerned, there is nothing very apparent on the surface, but their methods are becoming noticeably clearer. They are taking up every grievance of the workers in the mills, on the docks and in the grain trade, and are constituting themselves wherever an opportunity occurs as the champions of the workers. They are at present exploiting these opportunities reasonably, and have on several occasions been successful

in winning their cases before the Conciliation Court. Their plan appears to be first to obtain control of labour by these methods, and secondly, when they have been successful in that to choose their moment for a general strike.

The Prime Minister has been attending the Working Committee at Calcutta and summoned the Home Minister to go there to assist him on the ground that he needed more assistance, as the Prime Minister of Madras was not able to attend owing to illness. It is not at present clear to me what precisely has been the outcome of their discussion as the use of emergency powers is concerned, but Gandhi's article on Civil Liberties in a recent issue of *Harijan* makes me fear that a not very comprehensible formula may result.

The Home Minister has, however, acted on my suggestion and has set up an excellent Committee to make preparations for carrying on essential services if a general strike occurs. He is also actively investigating the possibility of reinforcing the Bombay Police by every possible means, including the formation of a Police Reserve. I also arranged, at his suggestion, that he should meet the new G.O.C., Southern Command, and they have discussed together in my presence the possible use of the Military. I think therefore that preparations for this eventuality will be made, but whether the plans will be used at the right time is a different matter. There are, however, two factors which I feel may interfere with the Communists' plans. One is that an increase of wages in the textile industry, if it comes about soon as a result of the Committee of Enquiry into Wages which the Ministry has set up, may remove the principal grievance of the workers. The other is that careful publicity in the Press, stressing Government's labour programme and the necessity of maintaining law and order in the interest of the community, may cause a healthy public opinion to develop in Bombay, which may make it difficult for the Communists to develop their plans successfully. I doubt whether the Ministers fully appreciate as yet the strength of their position and the extent to which public opinion is behind them on account of the reputation of reasonable conduct which they have gained from their first three months of office. Munshi, however, is fully alive to the value of publicity and has told me amongst other things that he hopes to establish soon an English-speaking newspaper expressing the orthodox Congress point of view.

3. *Service Feeling* —Speeches continue to be made in large number in the districts and they include a number of pin-pricks against the Police and the other services. There is, however, a slight diminution in their numbers and no serious effect from them is yet apparent. The pre-occupation of Ministers, however, with the Communist menace

seems to me to offer a favourable opportunity to point out the extent to which the Ministry will have to rely on the Services in the event of trouble. And I hope to find an early opportunity of raising this matter with the Prime Minister.

4. *Cuts in Allowances*—I have already communicated separately with you on this subject. I will therefore merely record here that I have agreed to the temporary cut of 10% in allowances mentioned in paragraph 4 of my last report, with the proviso that if an officer can make out that he is placed out of pocket by this cut, he should be allowed to put in a claim which, if found to be justified, would be paid, and I have obtained from the Finance Minister the assurance that this proviso will be applied reasonably. I have also warned the Finance Minister that if the permanent proposals about allowances cannot be justified as conforming to the principle that officers should not be out of pocket over them, my special responsibility would be involved, and I should not be able to agree to them. He has assured me that Ministers intend to adhere to that principle and do not propose to put their views about the excessive scale of salaries into effect by the method of cutting down allowances unfairly. In connection with this subject I notice in the Press that the Government of the United Provinces have made cuts in allowances, and I would be grateful if I could have particulars about their proposals, as I should expect my Ministers to point to what has been done in the United Provinces when their permanent proposals come up for discussion.

5. *Parliamentary Secretaries*—Parliamentary Secretaries, with one exception, have not yet cut any great figure here. The exception is Mr. Gulzarilal Nanda, the organiser of the Ahmedabad Trade Union movement. Ministers show a tendency to place him in charge of difficult questions, and he has been given the task of organising trade unions in Bombay and also of directing the activities of temperance movements in connection with Prohibition. On both these subjects he is bound to come up against the difficulty of whether he should be shown official secret documents. In view of the fact that Parliamentary Secretaries take no oath of secrecy and are not bound by the rules of the Services, I would be grateful for any information that you can give me as to how this difficulty has been overcome in other Provinces. The best solution in this particular case may well be that Mr. Nanda should be made a Minister, but that would not dispose of the difficulty in the event of any other Parliamentary Secretary being entrusted with similar work.

6. *Muslims*—Ministers give me the impression that they are uneasy about the effects of the meeting of the Muslim League at Lucknow. For instance, they are more apprehensive about the reaction to their announcement, which is to be made today, of the appointment of a Tribunal to hear the election petition about bribery in the Muhammadan

Rural Constituency of Kolaba. In connection too with the last paragraph of paragraph 4 of my last report they are definitely opposed to taking any drastic action against the Collector mentioned therein, who is Muhammadan, for fear of offending Muhammadan opinion. I shall be writing separately in a few days' time about this and the other matters referred to in that paragraph. The Muhammadan member of the Ministry, Mr. Nurie, recently paid a visit to Surat. His visit appears to have been quite successful, but on arrival at the station a demonstration was made against him by the local Muslim League. As a result he has sent in a criticism to the Home Minister of the Police arrangements. The Commissioner has been asked to enquire into the matter, but it is of interest to note, as evidence of the changed conditions brought about by Provincial Autonomy, that the Home Minister has minuted to the effect that Government will become impossible if Ministers are not accorded adequate Police protection during their tours.

7. *General* — Ministers are showing signs of resenting the legitimate criticisms of the Secretaries of Departments on Ministerial proposals. I do not think I shall have any difficulty, when a suitable opportunity arises, of convincing the Prime Minister how necessary it is, in the interests of good government, that Ministerial proposals should go through the sieve of expert criticism. The difficulty really arises from the fact that the Finance Minister, Mr. Latthe, who only joined the Congress party a year ago, is not able to stand up to his colleagues and cannot defend the admirable and entirely legitimate criticisms which are made by the young Secretary to the Finance Department, who is an Indian. I have got my eye on this point, but I think it would be impolitic for me to raise the subject with Ministers until a good opportunity occurs which will enable the matter to be brought officially before me.

Yours sincerely,
ROGER LUMLEY

525

Iqbal to Jinnah Seeking Clarification About Jinnah-Sikandar Agreement¹

LAHORE,
1 November 1937

MY DEAR MR. JINNAH,

Sir Sikandar Hyat Khan with some of the members of his party saw me yesterday and we had a long talk about the differences between the League and the Unionist Party. Statements have been issued to the press

by both sides, each side putting its own interpretation on the terms of Jinnah-Sikandar agreement. This has caused much misunderstanding. As I wrote to you before, I will put you in possession of all those statements in a few days' time. For the present I request you to kindly send me as early as possible a copy of the agreement which was signed by Sir Sikandar and which I am told is in your possession. I further want to ask you whether you agreed to the Provincial Parliamentary Board being controlled by the Unionist Party. Sir Sikandar tells me that you agreed to this and, therefore, he claims that the Unionist Party must have their majority in the Board. This, as far as I know, does not appear in the Jinnah-Sikandar Agreement.

Please reply to this letter as early as possible. Our men are touring in the country and forming Leagues in various places. Last night we had a very successful meeting in Lahore. Others will follow.

Yours sincerely,
MUHAMMAD IQBAL

¹ Jamil-ud-Din Ahmed, *Historic Documents of the Muslim Freedom Movement*

526

*Ramsay Scott to Laithwaite on Kanpur Labour Trouble
(Extract)*

Linlithgow Papers

WESTERN COURT, NEW DELHI,
1 November 1937

MY DEAR LAITHWAITE,

The Employers' Association saw Pant on the 26th October and at his request sent for him on the 27th the letter of which I enclose a copy¹ so that he might take this to Calcutta with him.

The Congress left-wing, or the reds, were obviously getting out of control and Pant wanted some support to enable him to take action to control them.

On the 27th trouble broke out at the Cawnpore Cotton Mills and several reds were arrested, two of whom I have reason to believe are important men.

¹ Not printed

On the 28th the City Congress Committee asked for an interview with the Employers' Association.

In the most recent troubles it has been found that the Muhammadans are the agitators and the cause of the trouble, and they are now after Fazlul Huq's pronouncement out to embarrass the Congress Government all they can. I can only presume that this is the cause of the City Congress Committee coming round, a fear of Hindu-Muslim trouble. The Muslims seem to have their tails well up in Cawnpore and it may help to close the Hindu ranks and ease the labour situation as far as we Europeans are concerned, but Labour is now undisciplined and I fear a general lock-out will have to be resorted to to bring them to their senses. The Employers' Association do not resort to this extreme, but it may be forced on them. The Labour in Cawnpore is about 50,000 of whom 10,000 are today out on strike, long gone out without cause or resorting to negotiation first.

The Cawnpore Wage Bill is roughly Rs. 50,000 per day, or rupees three per week and the resulting misery and starvation of the wives and children will be too appalling. Reports from Calcutta of the recent Congress declaration do not give much information about the line the Congress Government will adopt, and it can only be a policy of wait and see as far as they are concerned.

My object in sending you these particulars is that you might like to inform His Excellency before I see you on Tuesday afternoon.

The facts I am placing before you are confidential and I have no instructions to see you officially.

Yours sincerely,
J. RAMSAY SCOTT

527

Political Sufferers Conference on Release of Political Prisoners

The Pioneer, 2 November 1937

The political Sufferers Conference held at Calcutta passed a resolution suggesting countrywide agitation to secure unconditional release of political prisoners and detenues.

Presiding over the Bengal Political Sufferers and Anti-Repression Conference in the A.I.C.C. pandal Mr. K.F. Nariman said that although the treatment of political prisoners in Bengal, from all accounts,

appeared to be most shocking the very fact that the fighting spirit of the Bengali youth was as virile to-day, if not more virile, as it was 30 years before, proved that the policy of repression pursued for so long by the Bengal Government had been futile.

Mr. Nariman was optimistic in spite of such a "heartless and unimaginative state of affairs" that Bengal which had been the birthplace of Indian nationalism would be the province where the final victory of popular agitation against bureaucracy would be achieved.

Mr. Mohanlal Saksena also addressed the meeting.

The Political Sufferers Conference adopted resolutions suggesting a countrywide intensive agitation to secure, (1) unconditional release of all political prisoners, detenus, Regulation III prisoners and persons convicted of offences for political crimes or in connection with labour, peasant and national movements, (2) abolition of the Andamans as a penal settlement, (3) withdrawal of the ban on the Congress labour, peasant, youth, students and other popular organisations declared unlawful, (4) refund of confiscated properties and securities from newspapers, (5) repeal of all repressive laws restricting the liberties of the people and the Press and (6) withdrawal of the ban on textiles.

MEMORANDUM

Earlier, members of the Political Sufferers, and Anti-Repression Committee met Mr. Subhas Bose and submitted through him to the Working Committee a memorandum embodying a number of demands on behalf of detenus, Andaman prisoners and other political prisoners for the release of all political prisoners including detenus and Andamans prisoners. The deputationists urged the release of persons detained without trial and said that the question of political creed should not be discussed as the struggle for civil liberty should not take into consideration differences in political creed.

The memorandum further pointed out that no countrywide agitation had as yet been started on this issue and asked the Indian National Congress to start immediately such an agitation. The memorandum, further pointed out that the hands of the Congress would be strengthened if together with a countrywide agitation, there was a definite resolution by the A.I.C.C. that unless all political prisoners were released immediately the Congress would recall all its Ministries.

The memorandum finally drew the attention of Congress to the grave situation that might arise if the Andaman prisoners and detenus resumed the hunger-strike in the events of non-fulfilment of the promises held out to them.

It is understood that Mr. Subhas Bose will arrange an interview of this committee with Mahatma Gandhi. Mr. Bose will also be present during the interview.

"It was largely due to Congress agitation and the hope held out of release that the Andamans prisoners gave up their hunger strike. Heavy responsibility, therefore lay on the Congress to do something for their early release", declared Pt. Nehru addressing a gathering of 15,000 in Shradhanand Park.

Pt. Jawaharlal Nehru added that the Congress Working Committee felt that they must make the cause of detenus their own. They had however, to remember that although there were Congress Ministries in some provinces, it was the British Government that ruled in India.

Referring to the controversy over the mass contact movement, Pandit Nehru stressed that they had every right to bring Muslim masses in the Congress fold. There was evidence that the Congress candidate in Bijnor had been returned by an overwhelming majority and this was due to the fact that they had succeeded to a great extent in winning over the Muslim masses who believed that the Congress Ministries were doing their best to relieve their burden.

Sardar Vallabhbhai Patel said that unless the young men and women now suffering in the jails for political reasons are released, we shall not take rest. He saw no reason why they should not be released when they had declared for *ahimsa*.

Khan Abdul Ghaffar Khan also addressed the meeting.

528

Bihar Landlords on Attitude of the State Government

Star of India, 2 November 1937

The following statement has been issued by the Executive Committee of the Bihar Land Holders' Association:—

"We have noticed that our resolution impressing the necessity of resisting unfair laws even by civil disobedience has been subjected to a great deal of comment. Some people doubt the practicability of this resolution and characterise it as an idle threat. We also find that in indicating the action of the Ministry, His Excellency the Governor has gone out of his way to deprecate our action.

"Evidently, it is not fully realised by these critics how deeply the landlords have been stirred by the attitude of the present Government towards them. It would be most futile on the part of anybody to pose as friend of Zamindars so long as his actions indicate otherwise. No one is going to be beguiled by such pretensions when seeds are being sown which will inevitably produce greater class antagonism. It is but natural that faced with the grim alternative of effacement the Zamindars will go to any length to protect their rights and privileges, and we emphatically declare that our resolve is unalterable and we mean every word of it. We shall not, however, take drastic steps till alternatives would be available and unless circumstances force us to do so.

"Whether other sections sympathise with it or not, the entire body of landlords, except perhaps those who have merged themselves in the Government, are sure to honour the solemn pledge they have taken for self-defence and, though fewer in number in comparison with other sections of the people of the province, we would rather die fighting for our just cause than submit to the tyranny of the majority. We maintain that our resolution has the general support of the landlords of the province whose number is by no means negligible.

"The change in the angle of vision of the Governor noticeable of late is too palpable and we cannot help feeling that utterances guided by exigencies of political situation cannot have the same weight which ordinarily attaches to them.

"It is time that we relied on our own strength took our own decisions and acted in a manner conducive to the best interests of all sections of the people, and we appeal to our brother landlords to stand shoulder to shoulder during the troublesome times ahead. The financial difficulties of the *Ryots* are said to be due to the actions of the landlords, but such mischievous allegations, we feel sure, will not bear an impartial scrutinizing. It is in the interest of the landlords to keep their *Ryots* happy and prosperous and we reiterate that it is the duty of every landlord to strive to this end."

529

*Haig to Pant on Congress Campaign Against the Police**Haig Papers*

3 November 1937

HON'BLE PREMIER

I take a serious view of certain developments which seem to me to be occurring in the province, some of which are illustrated in the three papers below, and if the Hon'ble Premier agrees, I should like this note of mine to be laid before an early meeting of the Cabinet and discussed.

2. In the first place, it is reported that unrestrained revolutionary speeches are being made chiefly, I understand, by the recently released revolutionary prisoners. In the second place, speeches are reported by this same group of men and also in various other connections (e.g. during the recent election in Bijnor) making violent racial attacks on the British. Thirdly, there has been an outrageous campaign against the police in Cawnpore. Fourthly, it has become plain to me since I have been on tour that in some districts the activities of Congressmen in interfering with police work and in establishing a regular system of complaints against whatever the police do are producing some deterioration in the role of the police force and are beginning to affect their authority and to be reflected in some weakening of control over crime. There also seems to be growing mention of attempts by Congress workers to establish parallel institutions of their own in rivalry to Government institutions in the nature of courts and machinery for enquiring into criminal cases.

3. So far as concerns the first two points, I am well aware of the general reluctance of the Cabinet to set the law in motion in respect of speeches or writings. Nevertheless, I am sure they would agree that there must be some limit to this policy of tolerance, and that when speeches are really producing dangerous effects the Government may be forced by the essential nature of its responsibilities to the province as a whole to take action.

4. With regard to the position of Government servants, and particularly the police, I am quite sure that the Council of Ministers will be as much concerned as I am to see that developments which work against an ordered system of Government are discouraged in every

possible way. The authority of the Provincial Government is exercised through the Government services, the machinery of which is at their disposal. Party organisations and machinery have their own functions, but they are quite distinct, and it seems to me exceedingly important that they should not appear to be usurping the functions of the Government services, and should not be worked in such a way as to impair the authority of the Government machinery.

5. It is very evident looking ahead that conditions are in any case likely to put some considerable strain on the Government machine in the coming months. The difficulties for instance at Cawnpore are grave and do not seem to be diminishing. Nowhere in the province is it more obviously necessary to see that the authority of the police is not impaired. Relations between landlords and tenants may become very strained in the next few months, and it may be necessary for the district authorities to act with promptitude and resolution, if the situation is not to get out of hand. There are also indications that in many places relations between Hindus and Muslims are becoming more strained. Here again firm action by the district authorities gives the best chance of avoiding trouble.

6. We have to remember that the foundation of order is respect for authority. If that is destroyed, and there seem to me to be clear indications that it is being weakened, no Government can in the long run expect to preserve order without finding itself under the necessity of employing force. That is a contingency which a Government cannot regard with equanimity. There is still plenty of time to correct these tendencies, and that is why I wish to invite the attention of the Council of Ministers most seriously to the situation, so that steps may be taken to prevent its deteriorating.

7. What seems to me to be required in the main is:—

- (a) to check open incitements to revolution and violence;
- (b) to check attacks on the police, such as those recently at Cawnpore;
- (c) to make it clear that the Ministry desire to maintain the authority of their own services, and particularly of the police.

Yours sincerely,
H.G. HAIG

530

*Zetland to Linlithgow on the Need for Emergency Ordinance (Extract)**Zetland Papers*

3 November 1937

I think that our Ordinance for use in case of an emergency against any movement of a revolutionary character is now in final shape. I gave the Cabinet an outline of it at their meeting on October the 27th, and I explained the circumstances in which you and I had considered it necessary to arm ourselves with a weapon of this kind for future use should the necessity arise. I explained that I was not now seeking the authority of the Cabinet to put the Ordinance into operation, but that I was seeking their general approval to the principle that we should have in readiness for use, in the event of necessity, a measure of this kind. I added that should the occasion unhappily arise, I should of course return to the Cabinet for specific sanction to its being put into operation. I received general support from Edward Halifax and Sam Hoare, and, since no one raised any specific objection to the request, which I was making, it may be taken that our policy is approved in principle. At the same time some apprehension was expressed at the meeting of the Cabinet lest as a result of possible leakage it might become known in India that we had such an ordinance in readiness. It was argued that any such knowledge in India would be likely to militate against the continued smooth working of the Constitution. I naturally did not dissent from such a view, and I know full well that you are as conscious as I am of the real importance of secrecy in this matter.

531

*Zetland to Linlithgow on the Necessity for an Amending Bill on Federation (Extract)**Zetland Papers*

3 November 1937

6. You will have received by now my official reply to your letter of August 19th on the subject of the steps to be taken with a view to bringing the Federation into being. Since there has been some delay in

replying to your letter I have sent my reply by telegram. The delay has been due to the fact that I have been unable to obtain an authoritative opinion on the question which I raised, namely, whether under the Act as it stands it would be possible to provide compensation for the Princes on a diminishing scale in respect of the proceeds of the Excise Duties which they are at present enjoying. With Hill lately retired, and with Gwyer and Rowlatt in India, there are now no authoritative experts on the structure of the Government of India Act and Treasury Counsel to whom I submitted the matter have apparently been too fully occupied with other work to give their minds to it. I have, therefore, come to the conclusion that an Amending Bill of some kind will be required, mainly to deal with the question of the Excise Duties and the pre-Act Rights of the Princes. At the same time, I should, of course, include in any such Bill the various points in respect of which experience has shown that the existing Act require amendment. It is difficult to say whether the opponents of Federation will think this a convenient occasion on which to renew their attack upon it, but, since the Amending Bill which I have in mind could be shown to do no more than to make possible a form of Federation consistent with the scheme embodied in the Act of 1935, we could argue with success, I think, that we were making no alteration of principle or of substance in the plan which Parliament had approved. I do not yet know what view the Prime Minister will take of the introduction of a Bill of this character but I told him when I discussed the matter with him at the end of September that sooner or later an Amending Bill would probably be required to deal mainly with technical and noncontroversial matters. I shall be interested to receive, in due course, your reply to my official telegram, and I will postpone discussing the matter with the Prime Minister until I have done so.

532

Nehru to Khare on Decisions in AICC Meeting in Calcutta

Khare Papers

4 November 1937

PERSONAL

DEAR PRIME MINISTER,

You have no doubt followed the proceedings of the recent meeting of the A.I.C.C. held in Calcutta. The Committee was appreciative of the work already done by the Congress Ministeries but it felt, at the same time, that

much remained to be done to establish a full measure of civil liberty. Great importance was attached to this and wherever any coercive action had been taken, considerable resentment was displayed. Many of the criticisms were based on ignorance of the real state of affairs. Nevertheless it is true that the A.I.C.C. is very sensitive in regard to any suppression of civil liberty. It felt that the Congress Provinces should show a clean slate.

Objection was especially taken to the non-release of political prisoners, to books continuing to be banned, to the use of the C.I.D. for the purposes of shadowing political workers, to the demand of securities from papers, and to the non-repeal thus far of special repressive legislation.

I am sending you herewith copies of such resolutions as are of special interest for you. The federation resolution is of particular importance and you will notice that the Provincial Governments are requested to intimate to the British Government that they do not desire to be included in the proposed Federation. I trust that some such resolution will be placed by your Government before the Assembly at an early date.

It will be desirable if the Assembly also passes a resolution of sympathy with the Indian struggle in Zanzibar. This resolution should request the Central Government to impose an embargo on cloves from abroad.

The resolution on Indian Exiles is sent for your information so that your Government might take such steps in regard to them as you consider feasible.

The fourth resolution relates the ban on books. As you know a very large number of books have been banned by previous governments. It is desirable that those bans on political literature be lifted as soon as possible.

The fifth resolution was referred to the Working Committee for necessary action. It raises the question of civil liberty and draw the attention of Congress Ministries to the necessity of implementing the Congress Manifesto in this respect.

The sixth resolution relates to titles and decorations. Congress Ministries cannot associate themselves with these titles etc. but, if any titles are given while they are in power, the responsibility for those will partly rest on them. It is desirable therefore that no titles be given in the provinces where Congress Ministries are functioning. The procedure adopted in Canada some years back might well be followed by the Congress Ministries and a resolution passed by Assemblies asking that no further titles be given.

The seventh resolution relates to linguistic provinces. This is in accordance with well-established Congress policy.

Apart from these resolutions I should like to draw your attention to the strong feeling among Congressmen on the question of the separation of judicial and executive functions. Practical considerations might delay this separation for a while but the old Congress policy continues.

I am enclosing for your consideration a copy of an article, I am sending to the Press today. I would beg your special attention to the question of Civil Liberty which is agitating the minds of so many Congressmen today.

Yours sincerely,
JAWAHARLAL NEHRU

ENCS:

I would add that the repeal of repressive legislation, in accordance with Congress policy as repeatedly laid down, is considered a matter which should be taken in hand at the earliest possible date. Delay in taking action injures our prestige and gives an opportunity to non-Congress provinces to justify their repressive policy.

J.L. NEHRU

533

Nehru to Mirza Ismail Explaining Congress' Approach on Problems in Mysore

Nehru Papers

4 November 1937

DEAR SIR MIRZA,

I have received today your two letters dated the 29th October¹ together with their enclosures. I am grateful to you for them.

Since I wrote to you last many events have taken place which have unfortunately worsened the situation, so far as an outsider can judge. I would not presume to express a final opinion about any situation without a close study. I am therefore not in a position to say much as to any particular event that might have happened in Mysore. But a considerable experience of public affairs and movements enables me to form some opinion even from a distance. I try to look at whole wood although I may not be able to examine the trees closely.

You have no doubt seen the resolution of the All India Congress Committee passed recently in Calcutta regarding Mysore. That resolu-

¹ Not printed

tion was a non-official one pressed by a large number of members. Many of us had no desire to take any steps which might perhaps make it more difficult to end the friction which is developing in Mysore. I might add that even a gentleman from Mysore, who had come to tell us of what was happening there, was not particularly desirous that the All India Congress Committee should pass a resolution. But the feeling of the members was so strong that it found vent in the resolution that was passed.

I have read your letter carefully. I realise that there is a great difference between your approach to the problem of Mysore as well as of India and mine. I am prepared to agree with you that some respects the people of Mysore are better off than the people of parts of India. Certainly I think that among the Indian States, Mysore has been more progressive than the great majority of other States. I appreciate also that the Mysore Government is actuated by a desire to better the condition of the people economically and industrially and thus to raise the standard of living. May I say that, while we work for political change in India, our real objective is the raising of the standard of our people? It is because we feel that no major effort in this direction is possible under the present political conditions, that we seek the political change. Even so, in the provinces where Congress Ministries are functioning you will find that a great deal of stress is laid on bettering and improving the condition of the masses economically.

Great Movements, like that led by the Indian National Congress can seldom be understood in terms of the wishes of the few leaders, however big they might be. To imagine, as high English officials have sometimes imagined in the past, that a few agitators can work up the people, is to show a remarkable lack of perception. The processes of history are deeper and there can be no doubt that the National Congress has represented and does represent a historic development of great significance. Individuals may give it some shape and direction here and there, but the urge behind it has come from the sub-conscious self of India herself and represents forces which move nations and millions of men. Because it has represented this reality, it has grown to the stature which it possesses today. While politically and economically India has lagged terribly behind, the National Congress has tried to fill the gap to some extent in the mind of India. But so long as only a mental bridge is made the problem is not solved. The solution can only come when we fit in, politically and economically, with existing conditions in the world and in our country.

Generally speaking, the hiatus is far greater in Indian States than in the rest of India. In most of them even the mental bridge is lacking, and the way political and economic changes are looked upon by those in

authority astonishes people who are accustomed to study the modern world and its manifold problems. It seems to me inevitable that this hiatus should disappear in the whole of India if an equilibrium is to be established. Usually what happens is that the equilibrium is sought for first in the minds of men and new ideas spread. For the moment this appears to increase the gap between ideas and exciting conditions; it may even bring about conflict between the two. But in reality it is an attempt to lessen and eventually to end the conflict. When those ideas materialize in political and social changes, the conflict ends. Conflict comes when political and social conditions lag behind reality. If in Mysore new ideas spread and seek change, this is surely a sign of the progress of Mysore and should be welcomed as such. All history, and especially recent history in India, demonstrates that the attempt to suppress ideas does not solve any problem; it only aggravates it. Indeed the attempt fails even to suppress the idea which is objected to.

I have ventured to place this background of my thought before you, rather than discuss particular happenings, as the background and the way one looks at things is important. If our backgrounds and objectives differ, then inevitably our appreciation of a particular situation will also differ. Even if there is this difference in background and objective, the only correct way seems to me the way of civil liberty. Hence my belief and insistence on civil liberty, I am convinced that wrong ideas flourish less if freedom is given to them and people can discuss them and judge them dispassionately. Suppression leads to emotional reactions usually in favour of the person and thing suppressed.

I would beg of you to consider this aspect of the problem for I earnestly wish that Mysore should go ahead and should set an example to others. I am sure that vision, generosity and tact on the part of the State authorities will go a long way towards ending the petty conflicts that are taking place now.

You ask me what I think about the demand for responsible government in the State. I can hardly have two opinions on this subject. If I stand for independence and a democratic responsible government in India, I must also desire responsible government in the States. It would be derogatory to the State and people of Mysore for me to consider them so backward as to be incapable of advancing with the rest of India. I think that the desire to have responsible Government is a perfectly legitimate desire and the State Government would be wise in acknowledging it as such and even associating themselves with it. By such action they would advance their own prestige and strength enormously. Whatever the future may bring for us, it is clear that no part of India can remain isolated or cut off from the rest. Each part will react on the other and the powerful movements which convulse India will send their waves

and ripples to the remotest corners of the country. How responsible government is to be established in a State is a matter for careful consideration but the principle has to be admitted and steps taken to give effect to it. A prerequisite for the consideration of the problem is full liberty to discuss it.

It often happens that the wrong kind of people get mixed up in big movements. There may be some, and indeed there often are, people who exploit the movement to their own advantage. But we cannot judge the movement from them, and in taking social action against them we give them greater importance than they deserve. Left to themselves they are likely to find their own level. If so, it is easier to meet them in the open and counteract their activities.

You suggest that the Congress should declare that it does not approve of subversive activities in the States. It is perfectly true, and we have declared it times out of number, that the Congress is entirely opposed to violence in any form or the preaching of violence. Apart from that it is difficult to define the word subversive. Opinions will differ widely and many people may think that even routine activities of the Congress in British India are of a subversive nature. Criticism of a government or the desire for reform in the State apparatus is usually considered perfectly legitimate unless it is accompanied by the preaching of violence. Indeed freedom of criticism is supposed to act as a safety valve against violence and real subversive activities.

We have to face very difficult problems in India and those of us who look ahead have no desire to add to them in the States. We earnestly desire to avoid conflicts in the States, just as we desire communal harmony. I think I can say with confidence that the Congress has consistently worked for communal harmony and is working for it. The response to our policy among Muslims has been most gratifying and heartening. But you are right in saying that the situation is full of antagonisms and possible conflicts. These are inherent in the world today and if we cannot escape them, we have to face them as bravely and as intelligently as we can.

I have just issued an article to the press. It has nothing to do with the States but as it discusses our general policy I am sending a copy of it to you.

I have written to you at great length. You will forgive me, but I want to be perfectly frank with you. We can only understand each other and lay the basis for future cooperation by mutual frankness.

I am returning the papers you were good enough to send me.

Yours sincerely,
JAWAHARLAL NEHRU

534

Jinnah to Gandhi: Finds Nothing Constructive in Gandhi's Letter
The Hindustan Times, 16 June 1938

5 November 1937

DEAR MAHATMA GANDHI,

I have received your letter dated October 19, 1937,¹ on my arrival here.

As regards publishing your letter from Teethal last May, I am of opinion that I was fully justified in doing so; but your letter means something different from what I understand it to mean. Surely, it was open to you to offer your explanation to the public. The letter was not marked as it is usual to do so when its publication is not desired by the writer, and my message to you was not private. Even now you do not indicate how I have misunderstood your attitude or the contents of that letter. You merely say "I felt deeply hurt over your misunderstanding my attitude".

I am sorry you think my speech at Lucknow is a declaration of war. It is purely in self-defence. Kindly read it again and try and understand it. Evidently, you have not been following the course of events of the last twelve months.

As to reserving you as a "bridge" and "peacemaker", don't you think your complete silence for all these months has identified you with the Congress leadership although I know that you are not even a four anna member of that body?

In conclusion, I regret to say that I find nothing definite or any constructive proposal in your letter under reply, except that it is written in all good faith and out of an anguished heart, which I reciprocate.

Yours sincerely,

M.A. JINNAH

¹ See No. 503

535

Hubback to Linlithgow on Minister's Visits to Other States (Extract)

Linlithgow Papers

6 November 1937

MY DEAR LORD LINLITHGOW,

I enclose my 12th report on the political situation in Orissa. It will be rather late, as I wanted to get in my talks with the Chief Minister and others, and there was no time to get it off before I left for the rather remote Koraput.

2. I am not sure that I have adequately expressed my thanks for Your Excellency's comments on my reports and covering letters. My aim is to use this means for conveying to Your Excellency and the Secretary of State all information that is likely to give a clear impression of how things are going. In doing so I have to bring up points, on which I am by Statute required to accept guidance. I am taking Your Excellency's replies in that light, and assuming that on points where I receive no comments, the line of action is accepted. In fact I aim at giving as full information as the situation demands, but do not expect to get full guidance. Necessarily these reports and letters cover a wide ground, and I shall try to keep out of them, except for a brief reference, anything that it is more convenient to deal with as an isolated matter.

3. I should like also to know whether you are satisfied with the general lines on which I am attempting to divide up the current information I am supplying between the report to the Secretary of State and my covering letter to you. With Lord Zeltand's experience of Indian administration I am inclined to put rather more into the report than I might in other circumstances.

4. I come now to current events. I consulted the Speaker on the Assembly Rules to be framed under the proviso to Section 84(I) and he has accepted those as drafted. I told him I was ready to consider amendments whenever he wished to bring any forward, of course reserving my right to the final decision. I understand he may come up with suggestions about the conduct of financial business. I have heard no more of any attempt to remove him.

8. I was pressed by Mr. Bhubanandan Das, M.L.A. (Central) and by the Speaker (both Congress) who had both recently returned from Simla to suggest that Your Excellency should visit Orissa early next year. I

sounded the Chief Minister and his line was that it would be better that the visit should be put off till Your Excellency had visited another Congress Province. Clearly he wanted a lead. The object of Mr. Das and the Speaker was to increase Your Excellency's interest in Orissa, at a time when there is a likelihood of a Central surplus being distributed to Provinces. Much as I should welcome a visit (though we would still be hard put to it to accommodate the party really adequately), I feel that it would be more of a success some little time later. I take it that if Your Excellency were contemplating the possibility, we should have heard of it ere this.

9. I have been urged in several quarters to put forward direct to Your Excellency the case for Orissa receiving something over and above, what the application of some theoretical standard would give, should there be a surplus available for distribution among the Provinces in the Central budget this year. I think I could make out a good case, but would like to know how Your Excellency views such action before beginning to take it.

10. The Chief Minister mentioned to me an idea he had of bringing in people on contract as heads of the departments, Agriculture, Veterinary, Industries and Co-operative Credit, now under the Director of Developments, an Indian I.C.S. officer. He mentioned in particular the Industries Department. I do not know whether his main object is to get rid of an I.C.S. post or to bring in some of his friends on pay adequate for their needs; probably both. There is no real case for opposing the idea on the first ground, since we are hard put to it both here and in Bihar to find I.C.S. officers for key posts. But it is a tendency which I think I should report. Nothing is formulated at present. I merely said that the importance of securing adequate presentation of new schemes competing for provincial funds should be remembered, as well as that of getting a competent spokesman in such bodies as the Imperial Council of Agricultural Research.

11. I am writing separately about Boy Scouts and about the Bill for repealing the Public Safety Act.

Yours sincerely,
J.A. HUBBACK

536

*Andamans Prisoners Seeking Gandhi's Help for Their Comrades**Independent India, 7 November 1937*

Biswanath P. Mathur and Keshoprasad Singh, who were recently repatriated from the Andamans and released by the Bihar Government, have addressed the following letter to Mahatma Gandhi:—

“We take this opportunity to introduce ourselves to you. We have been recently repatriated from the Andamans and released by the Bihar jails. As we were among those who were on hunger strike, we can authoritatively place before you their exact view-point.

The hunger-strike as you all know, was started with four demands, the main demand being the release of all the political prisoners, detenus, lifting of ban on the exiles and withdrawal of internment orders. Your message and further clarification of the word relief has already brought before the country the real issue in the forefront and the whole nation anxiously waits to see those politicals free who are still deprived of their freedom and liberty.

It is really painful to see that in spite of all agitations for the release of political prisoners and your personal approach to the Provincial Cabinet concerned there is no hopeful sign and the issue is deliberately neglected. Bengal Ministry has not shown any gesture in the matter and the Punjab and Assam Cabinets are one with this attitude of the Bengal Ministry. There is no sense in this delay and hesitation, when firmly and with determination, the Andamans political prisoners have sent you their statement abjuring terrorism.

The hunger-strike stands suspended. The country is in duty bound to agitate for their release and a lead should be given by the Congress. We hope that meeting of the A.I.C.C. will decide to agitate for their release and secure the same by a country-wide propaganda and agitation.

We think it our duty to mention here that the prisoners are getting every day despondent and desperate and any slackness in the matter will prove disastrous in view of their failing health. The political prisoners need your and the country's help for solving this problem and we have every hope that your endeavour in the matter will surely avert any further hunger-strike and solve it happily without any risk or loss of life.”

537

Erskine to Linlithgow on the Congress Working Committee Meeting in Calcutta

Erskine Papers

8 November 1937

I have now seen the Ministers who were at Calcutta. They were not very communicative about matters dealing with other Provinces but they all state that the attitude of the Madras Government to law and order was the main topic of discussion.

2. It seems that in the Working Committee Nehru began the proceedings with a fierce attack upon Rajagopalachari for the arrest and trial of Batliwala, the maintenance of the ban on the Kottapatam School, and kindred matters.

3. Gandhi later came out really violently in support of the Madras Premier and carried the day but to do so he had to put forth all his powers. Ministers say that it was entirely due to the great heat generated by this argument that Gandhi collapsed and almost had a stroke.

4. They state that the final vote inside the Working Committee was quite favourable to them but they seem to have been rather surprised at the size of the minority in the All India Congress Committee when the same subject was discussed.

5. I was also informed that Nehru was defeated in the Working Committee over the question of that body exercising more stringent control over the actions that Congress Ministers might take to maintain law and order. He apparently attempted to lay down the proposition that before making any arrests or instituting prosecutions the Ministry concerned should consult the Working Committee but he was again turned down largely owing to Gandhi's intervention.

6. It seems that the Congress right wing is becoming genuinely disturbed at the damage that is being done in the Provinces by the Congress Socialists and they fear the growing strength of the extremists inside the Congress organisation. At the moment the right-wingers think that they can control matters but they feel that the continuance of their control depends entirely on Gandhi and they will admit that his health is most precarious.

7. Rajagopalachari informed me last week that Gandhi had been told that if he led an absolutely quiet life and underwent no mental stress he might live for some years but that if he continued to take an active part in

politics involving much worry and mental activity the doctors would not be answerable for the consequences. I pass this information on for what it is worth.

8. I fear that this is all I have been able to glean about the proceedings at Calcutta.

538

Proceedings of Bihar Council of Ministers Regarding Agrarian Tension in Some Areas

Linlithgow Papers

9 November 1937

PRESENT:

His Excellency the Governor

The Hon'ble Mr. Sri Krishna Singh

The Hon'ble Mr. Anugrah Narayan Sinha

(1) The Council reviewed the position regarding the maintenance of order in areas where agrarian tension is severe. In Tirhut the situation is reasonably quiet and the local officers do not consider that it is likely to deteriorate in the near future. Among the landless labourers, only the Musahars have shown any disposition to resort to force and the appropriate course is to deal with their leaders under the criminal law where disputes occur. The Dusadhs and other castes of landless labourers are quiet. The movement to organise the landless labourers against the Kisans had originally been backed by the Zamindars, but the latter had now dropped out. In Gaya, the situation in the Aurangabad sub-division appeared to be under control and it was only in the Goh thana that there were a few troublesome villages. The principal danger in Gaya lay in the Jehanabad sub-division, particularly in the inaccessible area south of the Arwal-Jehanabad road. Village Usri was mentioned as a centre of trouble. There were places in the Sadr sub-division where trouble was possible, but they were mostly accessible from Headquarters, while in the Nawadah sub-division there were a certain number of disputes, but here again the situation was not so serious as in Jehanabad. It was decided to strengthen the Police by deputing 50 of Gurkha Military Police to Gaya. It was thought that they could best be stationed at Kurtha or at Arwal, but that the decision should be left to the District Magistrate. It is also most advisable that there should be an additional first-class officer with the powers of a Sub-Divisional Officer who would have his headquarters in the affected

area of Jehanabad and would deal with agrarian cases promptly. He should be given one or more subordinate magistrates to help him in enquiries so that the use of the police for these enquiries would be minimised. An extra officer for this purpose should also be sent to Nawadah. In Patna and Monghyr and Shahabad it was not considered necessary to make any special arrangements for the present, except that an extra Sub-Deputy Collector should be detailed to enquire into land disputes in Sheikhpura, Barbiga and Lakhiserai, though police stations should be strengthened, where necessary, from the Range reserve.

(2) Government should have verbatim reports of the speeches delivered by prominent leaders, including Swami Shahajanand, Babu Karjanand Sharma, Babu Jadunandan Sharma, Pandit Ramanand Misra, Babu Kishori Prasanna Singh and Mr. Ashiq, and these reports should be submitted for the perusal of Government. The speeches of minor persons should be reported as fully as possible by the ordinary thana staff. It is believed that there is a class of irresponsible agitator working in the area and stirring up agrarian strife who give out that they had been deputed by the Congress or the Kisan Sabha, but in fact belong to neither of these organisations. A watch should be kept on these persons. Where actual reports could not be made of their speeches, it would be useful to send constables to watch them since this would tend to prevent wild speaking. It was thought that the making of speeches advocating attacks on Zamindars as a class would usually amount to an offence under Section 153-A and that suitable cases should be sent up for sanction to their prosecution. Proposals to proceed under Section 108, Cr. P.C., should also be referred to Government before action was taken on them in the districts.

The jungle dispute at Dumri in Hazaribagh was discussed shortly and it was thought that Mr. Hopna Manjhi might be asked to exert his influence to quieten the tenants.

(3) The meeting approved the action taken in connection with the appointment of District Magistrates for Singhbhum, Purnea and the Santal Parganas and Sub-Divisional Magistrates for Araria, Jamtara and Monghyr Sadr.

(4) A discussion took place upon the Prime Minister's proposal to discontinue direct recruitment for the Provincial Civil Service and it was decided that the Chief Secretary should examine the implications of the proposal as quickly as possible and prepare a definite scheme upon which further action could be taken.

(5) The Council considered the action to be taken to implement the decision to appoint a Committee to enquire into changes in the system of administration in the Santal Parganas. It was decided that Mr. R.E. Russell should be President and that the following should be invited to serve as members:—

The Revd. Mr. Edmunds of Hirapur,
Rai Bahadur Shyam Narain Singh,
Mr. D.N. Samanta, M.L.A.,
Mr. Krishna Ballabh Sahay, M.L.A.,
Pandit Binodanand Jha, M.L.A.,
Professor Abdul Bari, M.L.A.,
Mr. Maheshwar Prashad Jha, Pleader of Deoghar,
Mr. Charan Murmu, M.L.A.

The Chief Secretary should wire to these gentlemen asking them if they are willing to serve, and, as soon as their consent had been obtained, a resolution should issue appointing the Committee and stating that the terms of reference and the programme of work would be announced subsequently. It was thought desirable that Mr. Russell should be asked to visit Patna where he could study the papers and draft terms of reference for the approval of Government, and also decide whether the issue of a questionnaire was desirable. If it was necessary for him to remain absent from Ranchi for a considerable period, Mr. Lacey could be appointed Deputy Commissioner in addition to his duties as Settlement Officer.

(6) As it was unlikely that the business for the ensuing session of the Legislative Assembly could be completed in time, it was decided to postpone the summoning of the Assembly till the 1st of December.

539

Anderson's Memorandum of Conversation With Gandhi on Andaman Prisoners and Tenancy Problems

Erskine Papers

9 November 1937

It was agreed between Mr. Gandhi and myself that our conversation should be strictly confidential and should not be disclosed to anyone, save to those whom we could trust implicitly to preserve absolute confidence.

Gandhi began by explaining his philosophy of non-violence as applied to the policy of office acceptance. There was no difficulty he said in accepting office in order to carry on under "our conditions" but it was quite another matter to carry on Government as he desired in conformity with the doctrine of non-violence as he understood it. The experiment might fail but he thought it worth trying.

He had come to Bengal on a humanitarian object combined with a frankly political but as he thought worthy object, to establish Government on the basis of non-violence throughout India. Further enquiry might show that his hopes were misplaced but he wanted to try. He was prepared to devote his life to this purpose and to make it clear to those who were prepared to give him assurances that if they deceived him his life would be involved. (I suppose he meant that he would resort to self-immolation by the method of hunger-strike—which he incidentally admitted to be without moral justification but I did not pursue the points.)

At this point he invited me to take up the running. I then outlined the history of terrorism in Bengal—emphasising its deep rooted character and the efforts at appeasement that had been made in the past. I explained the dual nature of the policy followed by Government aiming at the control of terrorism on the one hand and on the other hand the establishment of conditions favourable to the economic regeneration of the province. I drew a sharp distinction between the case of the detenus and that of convicted prisoners. As regards the former I said the only question was whether the risk of the individual relapsing into terrorism was such as to make it unsafe to release him. Government were proceeding with release at a pace and under conditions which ensured their being able to keep control of the situation. As regards convicted prisoners they had all been convicted by the High Court—or with right of appeal to the High Court—for crimes treated by the law of all civilised countries as of the utmost gravity. I would recognise no moral claim to premature release in the case of these prisoners. The question was purely one of clemency and no one was entitled to demand the exercise of clemency. Making it clear that I was speaking not as one in authority but merely in the light of my own knowledge and experience, I explained that if I had to deal with the matter (as I had not) the course I would follow would be as follows:—As a first step I would bring all sentences under review with a view to eliminating any element of exceptional severity which might be attributable to the conditions prevailing in the country at the time of trial, necessitating in the public interest sentences of a deterrent character. Then at a later stage I would consider individual cases with a view to clemency, the object being to carry out a policy of discriminating release not unconditionally but under conditions equivalent to ticket of leave at home. I pointed out that in this case—of convicted prisoners—it was necessary to consider not only the probable course of conduct of the individual after release but the effect on other potential offenders of any weakening of the sanctions of the law. I also stressed as tactfully as I could the gross character of the crimes of which many of the prisoners had been convicted.

I am afraid Gandhi thought me from his point of view disappointingly uncompromising but he made no attempt to combat my arguments. He merely remarked rather sadly that I had not carried him any further in his task; adding characteristically that if he had failed to convince me he could not criticise me but must assign the blame to his own defective powers of persuasion. It became clear at this point that he was much more concerned with the case of the Andamans prisoners to whom he had given a pledge than with that of the detenus. I then returned to a point which I had made earlier that the Congress leaders in Bengal had it in their power to do a great deal to create an atmosphere favourable to the exercise of clemency whereas they seemed in fact to be expanding all their efforts in the opposite direction. I referred in this connection to the ceaseless campaign of abuse and misrepresentation carried on by the Congress Press and to the attempt made to stir up the student community. I mentioned also the known fact that the terrorist groups up and down the country still have concealed stocks of firearms under their control. I said an improvement in the tone of the press and effective steps to secure the surrender of firearms would go a long way to justify accelerated measures for release. He said he thought he might be able to do something about surrender of firearms and I understood he would explore the possibilities in this direction but he was not hopeful about the press.

The final upshot of the talk, of which I have necessarily omitted a large number of minor details, was that Gandhi said he did not wish to follow up his present mission if he was going to be regarded as an intruder but if Government were prepared to avail themselves of any services he might be able to render he would continue his efforts and would like to see the detenus at Hijli while on his way back to Wardha; I was able to tell him that the Home Minister had agreed to this. He would also wish to see other returned Andamans prisoners when they came back as the assurances he had received from those already interviewed which he had obtained after a series of very searching questions, could not be regarded as binding on any but those prisoners. I thought this a significant admission.

The talk then passed to other topics, which with one exception, do not merit detailed comment, after Gandhi had referred briefly to his anxiety lest the Andamans prisoners might resume their hunger strike. By this time the talk had gone on for two hours and Gandhi seemed to me to be showing signs of exhaustion. I therefore took steps to bring the interview to an end after inviting his opinion on the landlord *v.* tenant controversy which is naturally of great importance in Bengal. Gandhi said that the whole question was causing him very great anxiety and while he was strongly opposed to any measure savouring of expropriation, he was most apprehensive, in view of the strength of the agitation,

of the ultimate consequences to landlords if they did not wake up in time to the responsibilities which ownership of land implies.

The talk throughout was of an entirely frank and very friendly character however unsatisfactory its tenor may have been from Gandhi's point of view.

540

Nehru to Narendra Dev on Serious Communal Situation in UP

AICC Papers, F. No. P 20/1937

ALLAHABAD

9 November 1937

MY DEAR NARENDRA DEV,

I have just heard that the council meeting has been postponed. I do not know what date will be fixed for it now and it is possible that I may not be able to go there as I have many engagements. I am, however, going to Lucknow on the 15th and from there to Bara Banki the same day, returning that night to Allahabad.

Vague rumours have reached me about very active canvassing about the presidentship of the provincial conference. I do mind such a canvassing but I do hope that this is not a prelude to bitter conflicts within the P.C.C. It is absolutely immaterial who is elected president and who is not. But it is very important that we must avoid the kind of unhealthy conflict within our ranks that we have had in the past. A very serious situation is arising in the U.P. in regard to communal matters. Some members of the Muslim League, enraged at their defeat at Bijnor, are carrying on the most filthy and violent propaganda, even urging personal violence and not stopping at suggesting murder. This propaganda is directed chiefly against Congress Muslims and the Jamiat-ul-Ulema. We shall have to consider this situation very carefully for it requires tactful handling. There are other grave matters before us affecting all our future work. When I think of all this I am shocked at the pettiness people show in regard to elections and the like.

I have received a complaint by telegram from Lucknow about the declaration of Dr. Murarilal as president of the provincial conference. I do not propose to take action as it is for the P.C.C. to decide finally. But this kind of reference to the A.I.C.C. is itself an undesirable indication of the growth of party factions.

NOVEMBER 1937

...

The provincial conference dates were fixed for the 28th and 29th. But I understand that Aligarh people want the dates changed. It is possible that owing to the riots there and other factors a later date might be desirable. Anyway a final decision should be made very soon. I am going to Assam at the end of November for a fortnight.

If it is possible for you to hold the council meeting on the 15th at Lucknow it would suit me, or even the 16th. An early meeting is desirable to decide about any dispute regarding the presidentship as well as the dates of the provincial conference.

Yours sincerely,
JAWAHARLAL NEHRU

54I

*Cunningham to Laithwaite on Political Situation and Functioning of Ministers
in NWFP*

Linlithgow Papers

GOVT. HOUSE, PESHAWAR,
10 November 1937

[CONFIDENTIAL]

DEAR LAITHWAITE,

I send herewith, for His Excellency's information, a report (in duplicate) for the period ending 9th November 1937 together with copies of the Chief Secretary's report on the internal situation of the North-West Frontier Province for the second half of October 1937.

Copies of the reports are being sent to the Under Secretary of State for India.

Yours sincerely,
G. CUNNINGHAM

[ENCLOSURE]

[CONFIDENTIAL]

*North-West Frontier Province Governor's Report No. 14
dated 9th November 1937*

I paid a short visit to Waziristan and Bannu at the end of October and was impressed by the improvement in the general atmosphere since my

last visit there about seven weeks previously. In Waziristan the change may be attributed partly to the winter migrations which have brought so many of the tribes close to our border, where they know they are more or less at our mercy. But apart from this, our tribes seem to me to be really weary of the disturbed conditions, and to realise that our troops have got the upper hand in all areas, and I do not think that the Faqir of Ipi now commands the support of any but the professional bad characters, who can never be entirely eradicated. The religious—almost supernatural—flavour with which he was previously invested has apparently lost most of its strength. The Faqir, however, is still the acknowledged focus of any trouble that still exists, and the situation will not be really settled until he is disposed of in some way.

2. The improvement in Bannu District itself is also very noticeable. Curiously enough, this is attributed—and I think rightly—by the local officials to the assumption of government by Congress, and partly to Dr. Khan Sahib's visit there early in October. The people who attended his meetings, and who were merely of Congress and Red Shirt persuasion, were apparently surprised by the insistence with which he impressed upon them the duty of assisting the police and of recognising them as their friends. As it was put to me by an Indian official, they had not previously realised that Dr. Khan Sahib was "pro-Government". Dr. Khan Sahib's attempt to get into touch with the Din Faqir in Bhitanni Country was thought by the local officials to be prompted purely by a desire for peace, though no doubt he also had the idea of acquiring some credit for himself if his attempt was successful. This confirmed my own view, gained by conversation with Dr. Khan Sahib just after his return from Bannu. He showed himself very ready to accept hospitality and to meet British officers, both Civil and Military, at a garden party given by the Deputy Commissioner. All my Ministers appear to be quite ready to accept hospitality from British officials. Two of them dined with the Deputy Commissioner at Kohat recently, and two are coming to a dinner party at Government House next week.

3. The Ministers continue to tour actively and lose no opportunity of making political speeches. They have recently concentrated on subjects likely to appeal to the public, such as the partial remission of the loans given by Government to the Dera Ismail Khan Municipality for the construction of the protective bund on the Indus and to the people of Kohat who suffered in the riots of 1924. If, however, they buy popularity in this way, they will have to forego other schemes of public benefit.

4. I have continued to watch the impression made upon our Indian officials by the new Ministry. Ministers have, I believe, been inclined, to talk unwisely about their power over officials, and to attribute certain

transfers, which are taking place in the normal course, to their desire to move officials who are suspected of allegiance to the late Ministerial Party. A certain amount of apprehension has also been caused among officials by a proposal, initiated, I think, by the Finance Minister, to cut down certain pays and allowances. I think that I shall probably find myself in disagreement with the Ministry on this question, though I have agreed to a reduction, which I think quite reasonable, in the mileage rate for travelling allowance. My general impression, however, is that officials are on good terms with, and are not really apprehensive of the Ministry. When he was in Bannu last month, Dr. Khan Sahib accepted the hospitality of Indian officials freely, and seems to have been at pains to be polite to them all, particularly to a nephew of the late Minister, Sir Abdul Qaiyum.

5. I mentioned in my last report that the Ministers had decided, on the advice of Jawaharlal Nehru, not to attend the Investiture which I held on October 29th. The Democrats, however, attended though they are bound to Congress discipline, and two Independent Hindus, who have signed the Congress pledge, were also present. It seems, therefore, that the Congress cannot be sure of retaining the allegiance of the outsiders who supported them in defeating the late Ministry. In fact, I believe that Dr. Khan Sahib no longer counts on the support of two of the Democrats. This brings numbers practically level, but no definite move is likely to take place until the result of the election petitions is known.

6. In the meantime the Ministry continues to work smoothly. The chief criticism of Dr. Khan Sahib, which I have heard from the educated classes, is that he is no great politician. There is general agreement, however, that he is honest and is friendly at heart to British officers. I believe that he is at the moment trying to arrive at a *rapprochement* with Sir Abdul Qaiyum, whom he evidently looks upon as the one man in the Province who has real statesmanship and experience of public affairs. I think he hopes that Sir Abdul Qaiyum will retire from politics and set up as a sort of a private oracle for all parties to consult. Dr. Khan Sahib does not appear to be too happy about his Finance Minister, Lala Bhanju Ram, who has not only raised one or two rather awkward issues for the Chief Minister, such as the possibility of repealing the Land Alienation Act, but has once or twice fallen below the usual standard of courtesy in dealing with officials. My own opinion of Bhanju Ram is that he is gradually becoming easier to deal with; as an Indian official, whose knowledge of English is just great enough to be dangerous, said to me recently, the trouble really is that Lala Bhanju Ram suffers from "an inferior complexion"!

7. Little notice has been taken in this Province of the proceedings of the All-India Congress Committee meeting at Calcutta. Abdul Ghaffar

Khan, the brother of the Premier, was the only important representative from the North-West Frontier Province, and he has not mentioned the deliberations in the meetings which he has addressed since his return.

8. Propaganda in support of the Muslim League has not made much progress. There has been disagreement already over the personnel of the Working Committee which was formed shortly after the Lucknow session. In the urban areas considerable support may be expected, but little headway can be made in the rural areas until Inayatullah Khan gives some assurance to support the movement with his *Khaksars*. That the New Constitution does not cater for individualism and demands organisation is becoming more apparent to the Khans daily. They also appreciate that outside money and leaders of other Provinces have established the Congress in the position it now holds here. For these reasons I do not think they can establish serious opposition until Mr. Jinnah, or some other acknowledged leader, visits this Province and assists in providing the necessary funds. In the meantime, *Khaksar* enlistment is intensifying and their strength has now risen to a thousand.

In Charsadda, the Khans are attempting to form a party to counter Congress propaganda. The interesting point in this move is that Charsadda is the stronghold of the Red Shirts. The party will probably identify itself with the Muslim League once that League is established locally. In Mardan, also there is considerable feelings against the Congress, and it is being encouraged by Sir Abdul Qaiyum, who is now living in his village, Topi, in Swabi Tehsil.

The Hindu-Sikh Nationalist Party is somewhat perturbed over the activities of the Muslim League, as their view is that they cannot continue their pact with the Muslim Nationalist if that party now assume the designation of Muslim League Party. In this event, communal interests would clash but common ground of opposition to the Congress remains, and the Hindu leader says there will be no objection to adhering to the pact provided the term "Muslim Nationalist" is retained, even though the Muslim may acknowledge affiliation to the Muslim League.

542

*Iqbal to Jinnah on Sikandar Hayat Khans' Bid to Capture the Muslim League*¹

LAHORE

10 November 1937

MY DEAR MR. JINNAH,

After having several talks with Sir Sikandar and his friends I am now definitely of the opinion that Sir Sikandar wants nothing less than the complete control of the League and the Provincial Parliamentary Board. In your pact with him it is mentioned that the Parliamentary Board will be reconstituted and that the Unionists will have majority in the Board. Sir Sikandar tells me that you agreed to their majority in the Board. I wrote to you some time ago to enquire whether you did agree to the Unionist majority in the Board. So far I have not heard from you. I personally see no harm in giving him the majority that he wants but he goes beyond the pact when he wants a complete change in the office-holders of the League, especially the Secretary who has done so much for the League. He also wishes that the finances of the League should be controlled by his men. All this to my mind amounts to capturing the League and then killing it. Knowing the opinion of the provinces as I do, I cannot take the responsibility of handing over the League to Sir Sikandar and his friends. The pact has already damaged the prestige of the League in this province: and the tactics of the Unionists may damage it still further. They have not so far signed the creed of the League and I understand do not mean to. The session of the League in Lahore, they want in April instead of February. My impression is that they want to gain time for their own Zamindara League to function in the province. Perhaps you know that on his return from Lucknow Sir Sikandar constituted a Zamindara League whose branches are now being made in the province. In these circumstances please let me know what we should do. Kindly wire your view if possible. If this is not possible, write a detailed letter as early as possible.

Yours sincerely,
MUHAMMAD IQBAL

¹ Jamil-ud-Din Ahmed, *Historic Documents of the Muslim Freedom Movement*

543

*Chief Secretary, U P Government to District Magistrates on Establishing
Cordial Relations with Congress Leaders*

Nawab of Chhatari Papers

10 November 1937

DEAR SIR,

In the course of the last three months since the present Government¹ assumed office frequent reports have been received from the Government servants in which Congress supporters were stated to have adopted an embarrassing attitude towards the district authorities, and a very large number of complaints have similarly reached the Government from Congress workers against the behaviour, specially of the lower grade of Government officials. The Government are of opinion that such complaints and counter-complaints only tend to engender and crystalize an attitude of mutual suspicion, which is in every way opposed to the public interest. They feel therefore that the time has come when determined efforts should be made by the officers of the Government to establish relations of mutual confidence with the district leaders of the Congress. A letter will be addressed to you shortly on the position of the Government servants *vis-a-vis* the general public, and a second letter on the measures contemplated by the Government to check corruption in the public services. All these letters read together will give a synoptic view of the Government policy in regard to the services generally. In this letter I am to emphasize the importance of the establishment of relations of mutual confidence between the district authorities and the leaders of the Congress organisation. The Government officials, whether revenue or police, are the executive of the Government. They have certain statutory powers and responsibilities and various other functions to perform. They are the agents through whom the order or the policy of Government is given a concrete shape and there is no question of substituting any other agency for this purpose. The Congress on the other hand represents a large body of public opinion on the support of which the present Government rests. The Congress is naturally anxious to secure the maximum benefit for the members of the public out of the public institutions and functionaries. It is also interested in seeking all relevant information and bringing to the notice of the authorities appropriate cases and facts for redress and relief and in seeing

¹ Congress Ministry in U P

that mal-practices and neglect of duty on the part of the public servants should be enquired into and corrected. It is the duty of the Government servants concerned to deal with complaints of this nature which are brought to their notice, and to make it clear that they are giving due attention to them. The object of the Government and of the Congress alike must be that the official agency functions with the maximum of efficiency and with the full confidence of the public, and this result will be facilitated if relations of mutual confidence and harmony are established between the district authorities and the leaders of the Congress organisation in the districts. How best to set about establishing more friendly and co-operative relations in each district is a matter primarily of the district officers themselves to consider, but I am to point out that any successful method in this direction pre-supposes tact, sympathy, accessibility and impartiality, and that it is important that the district authorities should be in touch with the representatives of the Congress organization in their respective areas. The Congress Committees are being addressed in a similar sense by the United Provinces Congress Committee.

Yours sincerely,
C.W. GWYNNE

544

*Linlithgow to Zetland Regarding Consensus About AICC's Control Over
Ministries' Policy at Calcutta Meeting (Extract)*

Zetland Papers

11 November 1937

I have asked the Congress Governors to send me a report covering any impressions which their Ministers may have formed in the All India Congress Committee, or any item of information which may have emerged from the discussion there; and if these prove to be of sufficient interest, I will repeat them to you by telegram. The only reply I have so far had is from Cunningham.¹ No Minister went to Calcutta from the North-West Frontier Province; and Abdul Ghaffar Khan who was present brought back nothing of interest. On the other hand, Lumley's letter of 9th November, of which I enclose a copy in case he has not sent it

¹ Not printed

to you direct, does however throw a good deal of light on the line taken by the Bombay Ministers (and by the Working Committee &c.) on this very important question of emergency powers. I formed the impression that the discussion has gone on the whole fairly well, and I would myself read Nehru's of statement to the press which I enclose a copy as indicating that on the whole the provincial Ministers had contrived to make the Central Committee begin to realise both that there was a limit to the extent to which it would control their policy if they once made up their minds; and that it was a mistake from the point of view of Congress itself to endeavour to debate the details of the administrative work of the Ministers in provinces in public.

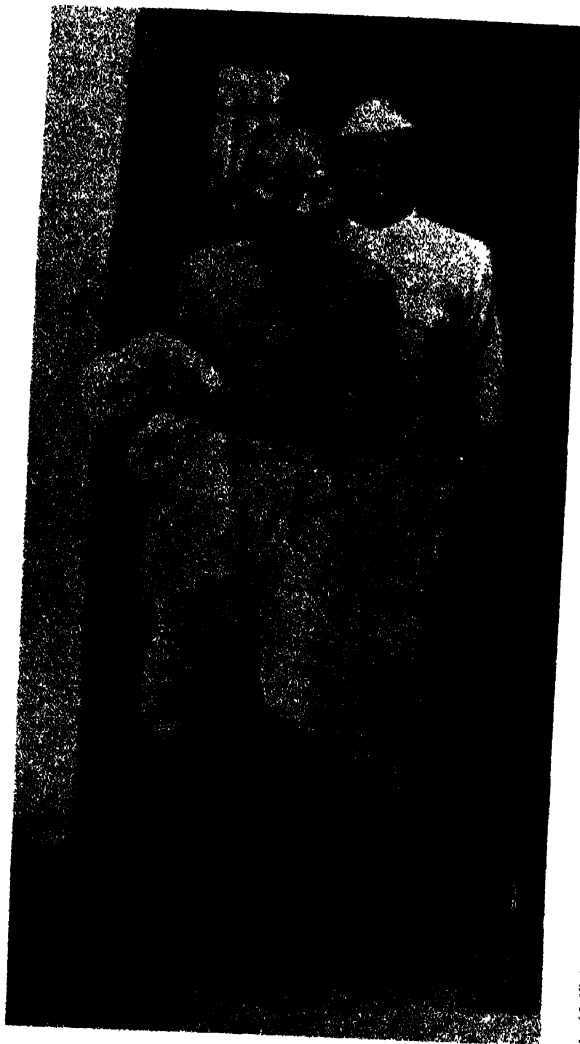
545

*Linlithgow to Zetland on Increased Anti-Federation Activities of Congress
(Extract)*

Zetland Papers

11 November 1937

Congress have of late been showing signs of increased activities in the Bundelkhand and Eastern Rajputana; and in Ewart's view, which is shared by Glancy, one of the main causes of this desire on their part is to defeat the Federal scheme. I think after discussion with Glancy that it would be a good thing to give States a definite lead in this matter when they ask for advice, and I have accordingly approved instructions on the general line of the note which I enclose. There seems to be no reason why States should not make use of Regulations &c. (these already exist, I understand, in practically all States of importance) in order to discourage disloyal and subversive activities on the part of the individuals and associations. I have however made it clear that they should be warned so far as possible to avoid and express discrimination against any particular association.



Mahatma Gandhi and Mahadev Desai leaving Presidency jail after an interview with political prisoners



Jaiprakash Narayan



Jawaharlal Nehru in conversation with K.M. Munshi, Hansa Mehta, Jairamdas Doulatram and other Congress Leaders



Abdul Gaffar Khan and Subhas Chandra Bose



Veer Savdrkar



Master Tara Singh with other Sikh Leaders



M.N. Roy and Jawaharlal Nehru

546

Hallett to Linlithgow on Kisan Movement in Bihar
Linlithgow Papers

11 November 1937

[SECRET]

No. 1221-G.B.

MY DEAR LORD LINLITHGOW,

I am afraid this report is rather belated, but it was to a large extent deliberate, for when I saw the last collection of fortnightly reports from Commissioners, and in particular their observations regarding the *Kisan* movement, I felt rather pessimistic. I enclose a copy of that report as drafted by my Chief Secretary: whether the Prime Minister has accepted it, I do not yet know, and as the file is still with him, I have not to hand the Commissioners' reports on which it was based. I have however recently visited Gaya district, to open a cotton mill, and took that opportunity of discussing the situation with the District Magistrate and the Commissioner. Since then I have visited Muzaffarpur to attend the Bihar Light Horse Camp, and discussed the situation generally with the Commissioner, Deputy Inspector-General of Police, District Magistrate of Muzaffarpur and the Superintendents of Police of Darbhanga and Muzaffarpur. I also had a very satisfactory discussion with my Council on Tuesday night; only my Finance Minister and the Prime Minister were present; but they were definitely helpful.

2. To deal with a minor point first, which is not referred to in the official report, there appeared to be some signs of the lowest stratum of society giving trouble and of "Landless labourers" starting an agitation. We had some trouble with the "Musahars" in North Bihar and the riot at Sitamarhi to which I referred in my letter No. 1027-G.B., dated the 18th September 1937, was an example of this possible danger. But my Ministers dealt with that matter, as I then explained, in a reasonable spirit. I have not yet seen the report submitted by the Judicial officer, Mr. Shearer, who was deputed to enquire into the fracas, but I understand from my Chief Secretary that it is all right, and on that information I only hope that my Government will accept his conclusions. One of my reasons for watching this case with some care is that it is being watched by the police; put rather crudely, the question at issue is whether the police should use "velvet" gloves in carrying out an order given to them. In this particular case, possibly the order given by the Magistrate was not entirely justifiable, but it would clearly be disastrous

to the morale and discipline of the police if they were dropped on for carrying out a legal order somewhat drastically. I have just seen Haig's report No.-16-U.P., dated the 8th November 1937, in which he says that "the police have been accustomed to use somewhat rough and ready methods and to a large extent have no other way of getting results, but if they use the methods to which they are accustomed, they know they may get into trouble". I trust I am in order in making this quotation. I am not apprehensive that the Ministers will let down the police, but I may have to modify the view when I see their opinion of this Musahar case; at present they appear to me to realise that the police will prove useful to them, in particular in dealing with any agitation likely to lead to violence. It was very consoling to me to find that my police officers in the Tirhut division were definitely not pessimistic; they told me that the situation had improved in the last few weeks. They now get help rather than opposition from Congress and were inclined to minimise all the talk which I had heard about the institution of Congress Thanas, &c. Congress organisation certainly exist, but do not, as far as I can see, interfere with police or general administration. Parties may go to the Congress office or *ashram*, but go on to the police or the Magistrate. To that I cannot take exception; it may be a move to enhance the prestige of their own party, but that does not worry me. I am satisfied by my recent visit to Muzaffarpur that the police are in good heart.

3. Apart from this there are no signs that in that division that dangerous agitation by "depressed" classes is spreading. The "Musahars" have a few fanatical leaders, whom we should be able to deal with; other depressed classes are unaffected, in particular the Dusadh community who probably form about three million out of the total population of North Bihar. I was told that the attempt to cause trouble by forming "Kheti Mazdur" Sabha by these classes was a move by the landholders, a theory which I myself had formed. My Finance Minister supported this view, but said the attempt had failed and neither he nor the Prime Minister appeared anxious about it. What I feel about it is that this agitation may tack on to the agitation in favour of the labourers in other Provinces, to the idea that a minimum wage should be fixed for all—a suggestion which appears to have gained some prominence at the recent A.I.C.C. meeting. It may give trouble in future, but I am happy at present.

4. My main anxiety is regarding the *kisan* agitation which is described in the official report. I think my Ministers share my anxiety and realise that they are up against a difficult problem. At my recent Council meeting I discussed mainly the immediate remedies necessary for maintaining "law and order", not the ultimate remedies for dealing with the problem. Gaya district is the possible storm centre, though Patna and

Monghyr may also give trouble, and both the Commissioner, who has recently returned from leave, and thus is in a good position to appreciate the change in the situation—he definitely considers that it has deteriorated greatly—and the District Magistrate were apprehensive that if trouble started, it might spread very rapidly. My Ministers, and in particular my Finance Minister who has property in Gaya, and knows the district even better than I do, had full confidence in the district officer—a very reassuring statement—and the Council agreed to extra police (Gurkhas) being kept in reserve at the district headquarters. They suggested that land disputes which might during the harvest time cause a “blow up” should be investigated not by the police, but by junior officers of the Executive Services or possibly by non-officials. This is quite a sound proposal and we are arranging to increase the magisterial staff in the subdivisions most affected. We agreed also to the same lines being followed in the other two possible storm centres, Patna and Monghyr. My Ministers seem to me to realise the danger fully: they are prepared to watch the major *kisan* leaders and have agreed that their speeches should be reported and will I hope agree when the need arises to action being taken against them. But they realise, as indeed I do myself, that it is private propaganda and secret meetings which do the mischief. They appeared to me to entirely repudiate the *kisan* agitation and in particular the petty agitators who are really the more dangerous.

5. It may be premature to suggest that we are getting to the stage of a split between the left and right wing of Congress, but it does seem to be that the right wing and my Ministers are gradually realising the danger of the left wing and may be persuaded to take action against it. I am dealing in another letter with the extraordinarily difficult question of “political” prisoners which really raises the same question.

6. Thus apart from the question of “political” prisoners in which I am inclined to believe my Ministers have no real interest, but are merely carrying out the orders of the higher command, I am pretty happy. Discussions on the Tenancy Bill in Select Committee have been distinctly helpful and the Ministry seem to me to realise that some of their half-baked ideas need reconsideration. The fact that this Bill is on the anvil of course means increased agitation by the *kisans*, but we must face that. It will take some time before the Bill becomes law, but I feel that full discussion, even if it leads to an increase in agitation, has its advantages.

7. We have escaped from any serious communal trouble during these festivals. The Independent Party whose leader is Mr. Yunus have refused to join Jinnah; I do not know the reason, possibly local jealousy of leaders, possibly the fact that there is a religious organisation behind the party, possibly Yunus himself hopes for a Coalition party. It is really useless to speculate.

8. I have not delayed this letter to refer to some of the points raised in your letter of 30th October¹ commenting on my last report, but will do so later. My Education Minister has broken down and hence I have been unable to discuss "Boy Scouts" or the "flag" with him. I am afraid Ministers have such a strenuous time that even though they receive considerable help from Parliamentary Secretaries, they may all break down. One minor point may be mentioned in conclusion; the Ministry recommended to me that an official should preside over a Committee to examine the system of administration in the Santal Parganas; this should mean that nothing too drastic is done.

Yours sincerely,
M.G. HALLET

¹ Not printed

547

Gandhi's Objections to AICC Resolutions Criticising Congress Ministers and Mysore

Harijan, 13 November 1937

Congress Ministers have a fourfold responsibility. As an individual a Minister is primarily responsible to his constituents. If he is satisfied that he no longer enjoys their confidence or that he has changed the views for which he was elected, he resigns. Collectively the Ministers are responsible to the majority of the legislators who, by a no-confidence vote or similar means, may any moment drive them out of office. But a Congress Minister owes his position and responsibility to his Provincial Congress Committee and the A.I.C.C. also. So long as all these four bodies act in coordination, Ministers have smooth sailing in the discharge of their duty.

The recent meeting of the A.I.C.C. showed, however, that some of its members were not at all in accord with the Congress Ministries specially that of C. Rajagopalachari, the Prime Minister of Madras. Healthy, well-informed, balanced criticism is the ozone of public life. A most democratic Minister is likely to go wrong without ceaseless watch from the public. But the resolution moved in the A.I.C.C. criticising the Congress Ministries, and still more the speeches, were wide off the mark. The critics had not cared to study the facts. They had not before them C. Rajagopalachari's reply. They knew that he was most eager to come and answer his critics. But severe illness prevented him from coming. The critics owed it to their representative that they should postpone the

consideration of the resolution. Let them study and take to heart what Jawaharlal Nehru has said in his elaborate statement on the matter. I am convinced that in their action the critics departed from truth and non-violence. If they had carried the A.I.C.C. with them, the Madras Ministers at least would have resigned, although they seemingly enjoy the full confidence of the majority of the legislators. Surely, that would not have been a desirable result.

Much more offensive, in my opinion, was the Mysore resolution; and the pity of it is that it was carried with practically nobody to speak out for truth. I hold no brief for Mysore. There are many things I would like the Maharaja to reform. But the Congress policy is to give even an opponent his due. In my opinion the Mysore resolution was *ultra vires* of the resolution of non-interference. This, so far as I am aware, has never been repealed. On merits the A.I.C.C. was not out to deal with the State as a whole. It was dealing only with the policy of repression. The resolution did not set forth the correct state of affairs, and the speeches were full of passion and without regard to the facts of the case. The A.I.C.C. should have appointed, if it was so minded, a committee even of one person to ascertain the facts before proceeding to pronounce judgment. The least it can do in such matters, if it has any regard for Truth and Non-violence, is first to let the Working Committee to pronounce its judgement on them and then, if necessary, review them in a judicial manner. I have purposely refrained in the case of either resolution from going into details to prove my submission. I am saving my limited energy and am leaving the matter also to the good sense of the members of the A.I.C.C., which has since 1920 assumed a unique importance and doubly so after the office acceptance resolution.

548

*Nehru's Reply to Gandhi on Latter's Comments on AICC's Resolutions
on Mysore*

Nehru Papers

14 November 1937

MY DEAR BAPU,

I have just read your article on the A.I.C.C. meeting. Regarding the Mysore resolution you have said that it was *ultra vires* of the A.I.C.C. If this was so then I had no business to permit discussion on it and should

have banned it. I am not aware of any constitutional provision which leads to this result and only something in the nature of such a provision can bar a resolution moved in the ordinary way and supported by a majority of the A.I.C.C. Apart from the constitution itself, I am not aware of any previous decision of the Congress or the A.I.C.C. which lays down that such matters should not be considered. Even if there was some such resolution, I do not see how it could prevent the A.I.C.C. from considering a matter if it so chose, unless the resolution was embodied in a rule of practice. The A.I.C.C. is at complete liberty to consider a resolution which may go contrary to a previous resolution passed by itself. If however there is a rule of practice or procedure, this has to be acted upon till the A.I.C.C. does not alter it. There is no question of such a rule, but I do not even know of a resolution which lays down a policy which the Mysore resolution infringes. In statements issued by us in the past mention has been made that the Congress desires to follow a policy of non-intervention in the States. Those statements cannot bar the A.I.C.C. itself from intervening if it so chooses. I cannot understand how the legal phrase, *ultra vires*, can be made to apply.

Another question arises what is intervention? Is a mention of a State in a resolution intervention? Is a demand for civil liberties or a condemnation of repression, intervention? If so, the Congress itself has been guilty of it in specific and unequivocal terms during the last two years.

The Mysore resolution of the A.I.C.C. is very badly worded and, in any event, I did not want it to be passed by the A.I.C.C. just then. But my feelings have little to do with the matter. I have to act as the president of a democratic assembly. The resolution was one of condemnation of repression in Mysore. Are we to refrain from condemning repression in a State in future whatever the nature of this repression? If this repression consists in attacking the Congress itself, insulting our Flag, or banning our organisation, are we to remain silent? These matters must be cleared up so that our office and our organisation might know definitely what line we are to take up.

You have said that the A.I.C.C. should not have passed the resolution without at least hearing the other side. 'Do you think that it is feasible for us to appoint inquiry committees to go to States? Will the States agree? On several occasions I have suggested this to States—not a committee but just an individual to go there and inquire from both sides. They have invariably turned this down.

This Mysore matter has been going on for a long time. The Karnatak P.C.C. has taken some steps in the matter. Their secretary has had a long interview with the Dewan of Mysore. I have repeatedly written to the Dewan and put a large number of specific cases before him. He has replied at length without, in my opinion, justifying the State policy. For

months past I have been restraining Congressmen in Mysore from indulging in any disobedience of orders and, in fact, no orders have been disobeyed, except by Nariman recently. The Karnatak P.C.C. ultimately considered the situation and condemned the policy of repression in Mysore and asked us for further directions as to what they should do. It is hardly correct therefore to say that the A.I.C.C. condemned any body unheard or *ex parte*. We pursued all the ordinary avenues open to us.

I am writing all this to you as I want to be clear in my own mind what our policy is. You have censured the A.I.C.C. and me for the course we pursued. I have not yet understood how and where I was wrong and so long as I do not understand it, I can hardly act otherwise.

Yours affectionately,
JAWAHARLAL NEHRU

549

Linlithgow to Haig Expressing Concern Over Laxity in Governors' Role in UP Affairs

Haig Papers

THE VICEROY'S HOUSE, NEW DELHI

15 November 1937

MY DEAR HAIG,

I have read your secret letter of 8th November¹, No. U.P. 16, with very great interest; but I confess also with a very considerable uneasiness of mind. That uneasiness of mind represents a condition which has I fear been growing in intensity for some weeks past, for I am as I read your very clear and interesting reports increasingly impressed by the unsatisfactory condition, as I cannot but regard it, of matters in the United Provinces. I think I have made it clear in the past that in my judgement the United Provinces situation is the key point, the handling of which is of critical importance in relation to the all-India position, and I cannot feel, in the light of the full information which I receive from you, and from Police reports and the like, that the state of things as it now stands is such as to warrant me in taking any but a grave view. To put it in a word I cannot avoid a general impression of what I may describe, not to put too fine a point on it, as drift on the part of the administration,

¹ Not printed

and if I am correct in that judgement (and I would welcome your comment on it) I must clearly regard it as a most serious matter. There are in effect in the situation with which you and I are now confronted two main factors. The first is the special responsibilities. On the Governor's position in regard to them I need not enlarge. But a second responsibility, as you will agree, which falls upon the Governor personally (Section xx of his Instrument of Instructions is of course relevant) is that of keeping in touch with every detail of the administration, of leaving nothing undone to maintain its efficiency at the highest pitch, to bring pressure to bear on Ministers whenever there is any sign that the effect of their policy is likely to be detrimental, of watching with the utmost and most constant care the trend of events and the signs of development of tendencies which may be dangerous or embarrassing, and of making it quite clear to the Ministers without a moment's delay that while the Governor is dealing here with matters which do not directly affect his special responsibilities, he feels it his duty to make it plain to his Ministers, and to place it on record, that if they pursue a certain course, that course cannot but have certain consequences of a detrimental character and may bring about a situation of a really serious type. And, in different circumstances of their position, there is of course a very clear responsibility on the higher officials of the administration to keep the Governor in the closest touch, and to see him at frequent intervals.

2. I will proceed later in this letter to indicate certain of the recent papers (I deliberately propose to take those only which have come before me in the last month or so) on which my growing uneasiness at the U.P. position is based. Let me also explain that when I speak, as I have in the concluding sentences of the preceding paragraph, of the duty of officials in this matter, that duty as I conceive it is the duty of the Chief Secretary, or the Inspector-General of Police, and of the Deputy Inspector-General, C.I.D., not to fail to bring to the notice of the Governor tendencies which they may regard as dangerous or likely to become embarrassing. The situation is much too important to justify us in running any risks on matters of this character; and as I see it there is nothing improper, to put it at its lowest (I would indeed myself regard it as the specific duty of the officials concerned), in their drawing the Governor's pointed attention to movements or tendencies which they regard as fraught with danger to the morale of the services, to the maintenance of law and order in the province, to the maintenance of the morale of the troops, with a view to the avoidance of anything calculated to undermine that morale, and in particular to the avoidance of anything which might be regarded as constituting the establishment of a parallel government.

3. Before I proceed to the detailed instances to which I have just

referred, let me say a word on the importance I attach to the maintenance of personal contact. The tours in which you are now engaged represent I need not say a most valuable contribution to this. But with a situation such as now confronts us it would be a relief to me to know how frequently you see your I.G. of Police (in your letter of 17th February last you referred to a fortnightly interview), and the D.I.G., C.I.D., and whether in particular the I.G. is kept in close contact with all decisions affecting the police and consulted before they are taken. I would like, too, to know how frequently, in the light of the experience of the last seven months, you now interview your Secretaries? I assume that the Chief Secretary is in constant touch? These points arise only because some of the matters which have come to my notice seem to me to be such that it is clearly essential that the Governor should not only be given the earliest information about them but be kept in constant touch with their development, and because (I have in view particularly the position in relation to the troops at Lansdowne) I am not in fact clear that such information has been made available to you. The question of contact with Ministers is on a different footing; but here again it seems to me essential that it should be as close as possible, and that the Governor should be in constant and immediate touch with all that is going on—for it is axiomatic that it is only if he is so equipped that he can lay his own plans, and if necessary consult with the Governor-General, sufficiently ahead. I could not help noticing in this connection that in paragraph 1 of your secret letter U.P. 13 of 24th October you mentioned that you were then in Lucknow for three days only, having been away from your Ministers, except the Premier, and your Secretaries, for nearly a month. I would ask you to consider whether steps could not be taken to ensure even closer contact with your Ministers (individual Ministers as well as the Premier) and your Secretaries, for I feel no doubt whatever that it is only by constant and intimate contact with individual Ministers that close acquaintance will be engendered which breeds confidence and it goes without saying that the more personal support is available to officials the stronger their position will be, and the more likely the Governor to hear everything that is in the wind.

4. Let me now turn to the various specific matters which are in my mind. I will deal first with this question of a parallel government, for that issue has come prominently before me as the result of your Secretary's letter of 8th October, No. 654 CSP, a copy of which I am sending to the Secretary of State, commenting on certain recent references to this in the Dominions Report. I am fear entirely unable to accept the view suggested in that letter that there are no signs of a parallel government. I regard indeed the signs to which you refer, and the other evidence available to me, as of a very grave character; and while it may

well be that, as your Secretary's letter suggests, we have not yet reached the stage at which there is any question of establishment of a parallel government throughout the province, the "fairly numerous instances reported" referred to in your Secretary's letter, and the other matters referred to in that letter are such as in my view entirely to justify the statement made in the Dominions report, and to call for the most serious notice. Donaldson's letter mentions that the Ministry have taken certain steps, and in a number of cases with success. But the general impression left on me is disturbing, and I would be grateful if you would on this specific point let me know in still greater detail to what extent you have found it possible to maintain pressure on your Ministry, and to bring them to a full realisation of the fact that in no circumstances shall we be prepared to agree to any endeavours of this type to establish parallel organizations, or to tolerate deliberate attempts to undermine the authority of the District Officer or of the other legitimate authorities of Government. Let me in this connection mention one or two of the cases which have struck me. I do not propose to take instances of longer standing, though the extracts enclosed from the U.P. Police Reports Nos. 35 (week ending 11th September) and 36 (week ending 18th September) are directly relevant. But I enclose an extract from the Report on the Political Situation in the United Provinces, No. 41, for the week ending the 16th October, 1937, which you will have seen at the time. I would comment on this that I see no objection to endeavours to settle cases of adultery or cases of defamation or the like through Panchayats. But I see the strongest objection to independent enquiries under sections 148 and 324 of the I.P.C. I take equally strong objection to the fact, if correct, that persons in the Kishanganj circle of Lucknow have been asked to make reports first at the Congress Office. Nor can I regard with equanimity instances such as that reported in the village of Jeegon. These are all significant signs, and it is our duty to deal with them without delay and at the earliest possible moment.

5. In the same connection I enclose an extract from the report on the Political Situation No. 42 for the week ending 23rd October 1937, received from your Special Branch with their letter 9/S3 dated 27th October. Surely it is exceedingly significant that in the capital of the province there should be a suggestion for the establishment of a Congress Thana where reports should be made before people go to the regular Police Station. The statement made in this report as regards Azamgarh is equally unsatisfactory; I cannot but take seriously the speeches summarised in paragraph 1 of the extract; and I find it difficult to reconcile the statement made in it in regard to Shahjahanpur and Hardoi with the suggestion that there are no serious efforts on the part of Congress to establish a parallel organization. I would like to know what

steps have been taken to check activities of this nature and the extent to which they have formed the subject of representations by you to Ministers? The speeches recently made at Cawnpore, and the disgraceful and most dangerous attacks contained in those speeches on the Police call again, in my judgement, for the severest notice; and I am glad to see from your letter of 8th November, No. U.P. 16, that you have drawn Pant's attention to this. But you will feel with me that it is not sufficient merely to draw attention to such cases—it is necessary I am certain to bring constant and strong pressure to bear on Ministers to remedy the situation. It is essential if the position is to be held together that the pressure should be sustained, and, too, that the Governor should keep in the closest touch with the I.G. of Police; that he should require to be shown all reports bearing on activities of the nature now under consideration; and that he should not be content merely with discussing the matter in the Cabinet, but should bring pointedly and in the sharpest language to the notice of his Ministers, collectively or individually as may be appropriate, his own views of the situation which will arise both from the point of view of the Ministry and of the province if immediate and decisive action is not taken to deal with a position which he regards as threatening. There is a definite and specific obligation on the Governor, to which I have referred above, under paragraph xx of his Instrument of Instructions, for maintaining the general level of administration; and to find from the valuable report contained in your secret letter of 8th November, No. U.P. 16, that in your judgement, in the area you have recently toured, there is in the case of the police "in the day to day administration some slackening, they have lost authority with the public; and consequently have lost some confidence in themselves" is disquieting. I would like to ask what steps you have in view to remedy that condition of affairs?

6. I now turn to the question of endeavours to subvert the loyalty of the troops. With this letter I send you a copy of reports recently received about Lansdowne. No reference has been made to this situation in any of the reports I have received from you. I regard them as of the gravest possible significance, both as affecting the loyalty of the troops, and, on the grounds advanced by Mr. Saner in his letter of 25th October, of their possible effect in inciting racial feeling against Europeans, and I would be glad to have your observations on them with the minimum of delay. I have spoken to the Commander-in-Chief on the subject, and you will not be surprised to hear that he takes a view even more serious than my own. It seems to me intolerable that, even given the special geographical position of the station at Lansdowne, activities such as those described in these reports should be permitted; and I must ask you to raise the matter immediately with Pant and to let me know his reaction. We cannot, as

you will agree, allow a situation in which responsibility will fall either on the Governor or the Governor-General for allowing a deterioration of administration and of control in a province of such vital importance as the United Provinces to arise through any lack of activity on the part of either of us.

7. Nor I confess had I fully appreciated the precise extent of the orders which have been issued by your government in regard to reporting political meetings, etc. I propose to return to this subject in a later letter, for I regard it as of very great importance. For the moment I will only say that I quite recognize that Ministers may take exception to police reporters being present at their meetings, and that is a feeling to which I would naturally defer. But to close down reporting of this type to the extent shown in the orders of your Government of which copies are now enclosed is to take a very serious responsibility, and I need only invite your attention to the speeches of the ex-Kakori prisoners and the speeches made at the anti-Police demonstration at Cawnpore on 24th October, to which I have referred above, and of which I enclose a copy, to show how strong a case exists on general grounds for the maintenance of a closer watchfulness on meetings and on speeches—a watchfulness to realise. Nor can I but regard the instructions in your Chief Secretary's letter of 15th September as tying the hands of the local authorities to a most dangerous degree. I would like to know in this connection what action was taken on the proposal of the Assistant Collector, Lansdowne, made in his letter of 25th October referred to in the preceding paragraph to warn all intending speakers that the law would be enforced, and that verbatim reports of manifestly illegal passages in speeches should be made?

8. It is with great reluctance that I have to approach you on this subject; and, as you will have seen, I have taken the utmost care to sift the material available to me, and personally to isolate the points which in my judgement call for particular attention and on which I must address you. I am sure that you are, if possible, more concerned than I am that the situation in your most important province, on local as well as on general grounds, should be well in hand; but you will I feel agree with me that, on the material to which I have referred above, we can neither of us feel that we can with conviction claim that that is the case; and the consequences of any further deterioration may well be very serious indeed. You will share my view that in the situation with which we are now faced, it is essential that the Governor and his principal officers should take a direct, an immediate, and an active interest in every aspect of the administration which may have any reaction such as those to which I have referred in paragraph 1 of this letter, and that there can be no hesitation in raising doubtful cases with

NOVEMBER 1937

Ministers and bringing the maximum pressure on them. The cumulative effect on me of the reports, including your own very valuable personal reports to me, on the situation in the United Provinces is, I must frankly confess, disturbing to a degree; and it is for this reason that I felt bound not only to address you on the situation generally, but to send a copy of my present letter to the Secretary of State. I think that the most satisfactory thing will be that you should come up to discuss the situation generally with me, and I shall, I need not say, be delighted to see you at the earliest possible opportunity. Perhaps when you have had this letter you will telegraph to suggest a date. I shall be absent from Delhi from the 19th to the 22nd, but any other time that will be convenient to you will suit me perfectly well; and I think you will probably agree with me that, given its great importance both locally and in its wider reactions, the sooner we can examine the general position personally in discussion with one another the better.

Yours sincerely,
LINLITHGOW

550

Haig to Linlithgow on Misleading Impression About the Political Situation in UP

Haig Papers

17 November 1937

MY DEAR LORD LINLITHGOW,

I have received Your Excellency's Secret letter of 15th November.¹ It discloses that you take a very grave view of the administrative position in the United Provinces. It also discloses what seems to me to be a very misleading impression of my relations with my officers and the administration generally. I have kept Your Excellency constantly in touch with our situation; for some months now I have been impressing on you the view that what really matters in this province is the administrative position and conditions in the districts, even more perhaps than the policy of the Ministry in a particular matters. You will understand therefore that I have no wish to minimise the importance of these aspects. Indeed it was for the purpose of getting in personal

¹ See No. 549

touch with conditions and with my local officers that I have arranged the extensive tours I am carrying out this cold weather, for my experience is that interviews and reports at headquarters are not enough and that it is difficult to form from these a balanced picture. I gave you in my letter of November 8th² my considered judgement on situation in the first two divisions I visited. That judgement was based on a large number of conversations with the officers who are actually handling these problems every day. It is a situation that requires very careful consideration, and I discussed it before I left Lucknow with my permanent I.G. of Police, who, I am glad to say, has just returned from leave, and have been turning it over in my mind constantly since, it is not a situation that lends itself to short cuts or dramatic solution. It requires patience and persistence. I had hoped that my letter would elicit Your Excellency's views, and I welcome the opportunity you give me of talking out with you not only this situation, but a number of other fundamental points on which I wish to be perfectly clear about Your Excellency's policy and that of the Secretary of State. I say this because, possibly through my closer contact with the facts and personalities in this province, certain solutions do not seem to me quite so simple as perhaps they do to Your Excellency.

2. I shall not attempt in this letter to deal with the various specific points made in your letter, for to deal with them adequately would involve somewhat elaborate presentation, and they are essentially matters in which a discussion will be of great value. One general reflection however I think I may permit myself. I see the reports which Your Excellency sees about my province. I assess their value in the light of many other reports and conversations, and I arrive at a general estimate of conditions which I communicate to you and the Secretary of State. I do not set up my judgement as infallible. In the difficult conditions with which we are confronted, I have to form my opinion as to the relative importance of the various factors and this expediency at any given moment of the various possible courses of action, taking into consideration the character and the mentality of the Ministry with which I am dealing. Other men might reach other conclusion on individual items, or might choose to follow a different general line. These are all matters which I should like to talk out with Your Excellency in the fullest possible manner. But I do have an opportunity, better I think than any one else possesses, of putting facts into a reasonable perspective, and that is, as it seems to me, the essential preliminary to formulating policy.

3. As regards the speeches at Lansdowne, mentioned in para 6 of your letter, I have only just now received some very brief references to them,

² Not printed

as it appears that neither the Deputy Commissioner nor the Commissioner of Kumaun considered them to be of such importance as to deserve a special report. I gather that the audiences were not large. In the Commissioner's fortnightly report which reached the Chief Secretary in Lucknow yesterday, I understand that he made only a brief reference to these speeches and he did not forward the letter of the Assistant Commissioner, dated the 25th October, which has reached Your Excellency through the military. The speeches were mentioned in para 501 of the Police Secret Abstract No. 155, dated November 13th, on which the Chief Secretary at once asked for the police papers and a further report. I am having immediate inquiries made into the full details and will report further when I have them. In the case of these hill districts, when the Commissioner and district officers are on tour, communications are often rather slow. The Commissioner, I may add, is a very capable and experienced officer, who has served for many years in Garhwal, and knows Lansdowne and the Garhwalis thoroughly.

4. As you have sent a copy of your letter to the Secretary of State, I should be grateful if you would also send him a copy of this letter, so that he may have a general idea of my attitude.

Yours sincerely,
H.G. HAIG

551

Anderson to Linlithgow on Detenus Policy in Bengal

Linlithgow Papers

17 November 1937

MY DEAR LINLITHGOW,

I enclose a brief memorandum which will explain developments during the last few days. I see nothing in the conclusions reached which would warrant my differing from the proposals of my Ministers as they now stand. On the other hand, I see substantial advantages and the possibility of removing causes of antagonism which deprive Government of responsible support and tend to give undue weight to the tail of the Proja Party. On personal grounds, I would naturally have preferred that any announcement of this kind should be made in the time of my successor, but to my mind the argument in paragraph 6 of the memorandum is conclusive on public grounds and it

would be unfair to leave my successor in the position of having to agree to a decision at a time when it would be represented not as a considered policy but as a gesture.

Yours sincerely,
JOHN ANDERSON

(ENCLOSURE)

Memorandum on Detenus Policy
November 1937.

The proposal has been made that as an earnest of their willingness to go further if assured of Mr. Gandhi's help then they could without such an assurance, Government should consider the release of some 1,100 detenus at present in village and home domicile and therefore already in stages of probation. The question of the more dangerous detenus, about 500 still in camps, would in that case be reviewed after a lapse of time (four months...) With regard to Andamans prisoners, it was to remain clear that the release could not be considered at all except in selected cases of those who owing to illness or the short period of their sentences still remaining to serve might be fit for release on their merits. At a later stage the possibility of systematically reviewing the sentences to scale down sentences on such a review which might in exceptional times have been of abnormal severity would be considered.

2. These proposals were to be put to Mr. Gandhi not as part of a bargain but as Governments' earnest of its own intentions, and it was anticipated that Mr. Gandhi would realise that he could get nothing more, but in any case, would pursue his avowed intention of attempting to improve the atmosphere.

3. At conference with Ministers on the 16th November, Mr. Gandhi attempted to take advantage of different expressions used with the idea of getting more. He took the attitude that he was not particularly interested in the 1,100. As it would take time for him to get assurance from them but thought it much more important that he should start getting assurances from some of the 500 with a view to their release.

4. The effect of this would be that if any of the 500 were released on the assurance given to Mr. Gandhi, there would be no case for holding 1,100. Sir Nazimuddin took the line that since Gandhi asked government to accept his assurance, Government must properly decide the order in which the people concerned should be selected for giving such assurances. It was clear that Gandhi was attempting to utilise the advantage of one man dealing with 5 or 6 in order to get more than had been intended. Sir Nazimuddin intended, the next day (17th) to put to Gandhi definitely the position that Government were prepared to take the risk of releasing the 1,100 but would go no further. There upon Mr. Gandhi should see what

he could do to improve the atmosphere. His implication that he himself would go on hunger-strike if violence were again resorted to was no guarantee for Government which could not in fact encourage or take advantage of an offer of self-immolation.

5. In the course of evening (16th November) discussions took place informally between certain Ministers, Mr. Birla and Sir George Campbell—Leader of the European Group—and Mr. Arthur Moore was also present. Mr. Birla arranged for Sir George Campbell and Mr. Arthur Moore to see Mr. Gandhi. In the course of the conversation some Ministers got the impression that Sir George Campbell and the European would not stand on ceremony about another 500.

6. It was made clear to Sir Nazimuddin this morning that if agreement to the 1,100 was merely meant to be the starting point for further demands, the whole matter would have to be held up and left for His Excellency's successor. This would involve the further embarrassment that if a spectacular release even of the 1,100 were made in the early days of Lord Brabourne's time, it would be interpreted as a reversal of a policy and the beginning of a landslide.

7. It was also pointed out to Sir George Campbell that whatever the professions of the ring-leaders, experience showed that they had not given up their demand for a drastic change; they were not capable of organising with a revolutionary mentality over a period of years and at the same time of keeping control over this younger hot-heads. There was every probability that their opening programme would be while taking advantage of the situation, to attack the Communal Award on the basis of taking weightage from the British in order to redress the balance in favour of the Hindus. Sir George Campbell was moreover asked not to discuss details with Mr. Gandhi, but to take up the attitude that the European Group were prepared to be helpful, but at the same time were determined to keep the Ministry up to its responsibility and to avoid risks: they had not the information on which to offer Mr. Gandhi a definite opinion, but when a proposal was placed before them by the Ministry with the relevant information, they would then give their opinion to the Minister.

Sir George Campbell stated that he had never agreed to the release of this extra 500.

At a meeting today the Home Minister and two colleagues saw Gandhi taking a firm line on the original proposals in paragraph 1 and Gandhi agreed with immaterial reservations. It is understood that the 1,100 will not necessarily include all persons in home and village domicile—a few of whom are dangerous—but the figure of 1,100 will be reached. Any announcement will be in terms of total and not of village and home domicile.

552

Boag to Laithwaite Enclosing Copies of Statements by Two Andaman Prisoners After Release

Linlithgow Papers

[Secret]

MY DEAR LAITHWAITE,

As desired in paragraph I of His Excellency the Viceroy's secret letter to His Excellency the Governor, dated 13th November 1937, I enclose copies of the statements made by the two prisoners after their release.

Yours sincerely,
G.T. BOAG

Copy of statement made by Prativadi Bhayankara Venkatachari

I wish to take this opportunity to express my gratitude on behalf of myself and my comrades in Andamans for the great interest that Mahatma Gandhi, the great Rabindranath Tagore, and the President of the Indian National Congress and the country at large have been taking in our cause. Ever since I was released the one question that has been often put to me is how far we are sincere in our declaration made to Gandhiji. I once more reiterate on behalf of myself and my colleagues that we have no faith in terrorism. Any child can understand that terrorism at this stage is out of date and this has been amply proved by the historical facts that present themselves in Indian and International situations. I say this from the very bottom of my heart and with deep conviction.

I implore Mahatma Gandhi and other leaders of the country to see that the remaining (about) 230 political prisoners in the various jails are immediately released. Their release will be nothing but an act of humanity, and would immediately add to the strength of the Congress and the Government.

Translation of letter, dated 9th November 1937, from T.S. Sachidanandham to the Hon'ble Mr. C. Rajagopalachari, Prime Minister, Government of Madras

I am greatly grieved about what I did in connection with politics. In my future behaviour I shall never be a party to such acts involving violence. I solemnly pledge myself to it by this letter.

553

*Laithwaite to Provincial Governors on Flying Flag Half-Mast in Memory of a
Political Leader*

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI,
19 November 1937

D.-o. No. 2022-G.G.

MY DEAR—,

I write in continuation of my D.o. letter of 2nd November, No. 1867-G.G., to enclose a copy of the further correspondence marginally noted¹ which has taken place between the Governor-General and the Secretary of State, which is he thinks self-explanatory. The position which emerges from the correspondence is that the position of the Flag is entirely covered by the correspondence enclosed in my letter of 2nd November, No. 1867-G.G., and the Governor-General's comments thereon. The closing of Government offices, courts, &c., is a matter in which he fully agrees that His Excellency the Governor must be guided by the circumstances of the case, and, as will be seen, the Secretary of State agrees with the view of Governor-General that in any endeavour to enforce any objection to the closing of Government offices, courts, &c., if the Ministry decided in that way to pay respect to the memory of a prominent political leader, Government would be on very weak ground. He desires therefore to leave it to the discretion of His Excellency the Governor as to the action to be taken in such circumstances. He would however be grateful if, in the event of such circumstances arising, His Excellency would be good enough to inform him by telegram of the decision which is reached in the matter, so that the Governor-General may be able to keep other Governors in touch.

Yours sincerely,
J. G. LAITHWAITE

¹ Not printed

554

*Gandhi on Bengal Government's Communique on Progressive Release of Detenus**Harijan, 19 November 1937*

During the last session of the Provincial Legislature the Government of Bengal declared its policy of progressive release of detenus as the situation improved, and also gave an assurance that where adequate guarantees of good behaviour were forthcoming, any special cases would be separately considered. In the then prevailing circumstances, Government considered that a wholesale release of over 2,000 detenus might lead to difficulties and possibly a recrudescence of violence. Their policy of progressive release was enunciated in the Assembly on August 9 and was approved by the Chamber. In pursuance of this policy a large number of persons have already been released and many others have been placed under modified forms of restriction.

There have since been observed definite indications of a change for the better in the general atmosphere. Recent pronouncements by certain leaders also show that they are exerting themselves to discredit methods of violence. Mr. Gandhi has also assured Government that he would do his best to improve the political situation in Bengal by preaching his cult of non-violence and creating public opinion in favour of it. He has also offered to meet detenus with the object of persuading them not to resort to or assist terrorism or other subversive activities in future. In consideration of these circumstances and on a review of the present situation, Government have decided to accelerate the release of the detenus or the removal of restrictions on them, and have therefore issued orders for the immediate release of about 1,100 detenus subject only to the requirement that changes of address be communicated.

As regards the remaining detenus, no more than 450 in number, a large portion of whom are in camps and jails, Government propose to take up their cases in the near future. Mr. Gandhi has offered to interview individual detenus, a task which he intends to undertake in about four months' time and for which Government will gladly afford him every facility. Government hopes then to be in a position to grant immediate release to those detenus in respect of whom Mr. Gandhi may be able to give Government satisfactory assurances after seeing the individual detenus. In the meanwhile Government will continue to consider relaxation in individual cases and, if such action appears to be justified, complete release.

It is hoped that the steady development of the policy now set forth will result in the ultimate solution of this perplexing and difficult problem. Its success must, however, depend on the co-operation of the public and the leaders of public opinion in maintaining an atmosphere in which subversive movements will find no encouragement. Government, who have throughout been most anxious to carry out the policy of release of detenus as rapidly as possible consistently with the public safety, cordially welcome Mr. Gandhi's offer of assistance in creating the favourable atmosphere that is essential for the success of this policy.

555

Ewart on Internal Conflicts Within Congress Working Committee

Linlithgow Papers

20 November 1937

Nehru is amenable to Gandhi's control, but not necessarily completely in his confidence. Moreover, prior to the Calcutta meetings, Nehru had been touring all over the country—e.g., Punjab and N.W.F.P.—Nehru, as President of the A.I.C.C. can have access to all official proceedings of the Congress, but Gandhi, though the real dictator and treated as such by people like Kher, constantly reasserts that he is "not even a 4 anna member" of Congress and what he says does not come on Congress official record.

Later information which Sir R. Lumley has given goes for to answer the point in his paragraph 6. There was an open conflict in the Working Committee between Nehru and Kher. The latter and also the Madras Ministers got away with their claims to liberty of action. But Nehru afterwards published a statement in the Press, as Congress President, which leaves the official position unchanged, requiring Ministers to confer with and refer to both the Provincial Congress Committee and the All-India Congress Committee and its Working Committee. Apart from this, after Congress acceptance of office in July, the Working Committee appointed Vallabhbhai Patel, Rajendra Prasad and Abul Kalam Azad to take charge on its behalf of the control and direction of Ministers in different zones—and Bombay is, of course, in Patel's zone. Patel hates Nehru, Communists and Kisan Sabha with almost equal bitterness.

Gandhi is certainly anxious, for the present at any rate, that Ministries should function and he is genuinely ready to help them fight violence.

The events at Calcutta show very clearly that, if Gandhi dies or goes into retirement, Nehru's revolutionary influence and advocacy will be strongly resisted by very strong elements in Congress, both in and outside the parliamentary field. Congress direction at present is entirely Gandhi. He can control both Nehru and the orthodox Congressmen. If he is eliminated, I do not think a break between right and left can long be avoided.

J. M. EWART

556

Viceroy to Emerson Seeking Reaction on the Lucknow Agreement in Punjab

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI

20 November 1937

[SECRET]

MY DEAR EMERSON,

Many thanks for your secret letter of the 12th November, No. 16-F.L. You know how very greatly I enjoyed my visit to the Punjab and appreciated the admirable arrangements made in connection with it; and how glad I was to have the opportunity of seeing so many representatives of all interests and communities in the Province.

2. I realise the position in regard to the Shahidgunj agitation. I appreciate too that Lucknow resolution on the subject may well prove embarrassing to Sikander.

3. I read with great interest your further comments on the reaction of the Lucknow agreement, and I shall welcome it if you will continue to give me your impressions of its reactions in the Punjab. I quite appreciate the difficulties with which Sikander may be faced in the circumstances you describe.

4. I am watching the cotton situation very closely. On this question of the import of American cotton Grigg had already asked the agricultural people to look into it, though you will I think appreciate that he would be likely to approach the proposal for an increase of duty on a raw material with marked distaste.

Yours sincerely,
LINLITHGOW

557

*Congress Socialist Party's Criticism About Persecution of Leftist Workers in Ahmedabad**The Congress Socialist, 20 November 1937*

Some weeks back Gandhiji suggested in the *Harijan* that the Congress Ministers should consult the Provincial Congress Committee concerned before taking any action against a Congress worker. But even his advice seems to go unheeded. Prosecutions have been filed against six of our comrades in Ahmedabad under Sec. 17 (a) of the Cr. Law Amendment Act. This is the section under which thousands were sent to prison in the Civil Disobedience days.

The charge against the Ahmedabad comrades is that they assisted the operations of an unlawful organisation, to wit, the Communist Party of India by distributing its literature at a public meeting addressed by the Congress President. Apart from the question of a Congress Government ignoring the ban, if it cannot be lifted, against the Communist Party—for such a ban materially abridges civil liberty—the Ministry should have consulted the Congress Committees and the Congress Socialist Party whose members the accused persons are before launching the prosecution. Our information assures us that the charges cannot be substantiated. The Ministers will thus be inviting rebuff on themselves and ridicule on the Congress by launching prosecutions on police reports which are notoriously unreliable.

There is a wave of intense unrest among Indian labour. Strikes have become the order of the day all over the country. The situation is indeed very grave and calls for immediate attention. Their miserable living standards have been steadily attacked. The absence of a strong integrated T.U. Movement has also helped the employers to launch unremitting onslaughts. These at bottom are some of the basic causes of the present unrest. We have now Congress Governments in most of the provinces where there is acute labour unrest. The Congress is committed to provide a decent standard of living, a living wage, better conditions of work, lesser hours, etc. The working class expects the Congress Governments to move in the direction of affording some immediate measure of substantial relief. The strike wave that sweeps over the country should come not only as a reminder to these Governments to their urgent duty, but should also strengthen them to rush through essential measures of social legislation. Detailed provisions could be made after thorough enquiry, but immediate needs cannot be postponed. To penalise labour at the time of such discontent which expresses itself in the form of strikes is the sure method of inviting disaster. No popular Government can afford to do that.

558

*Gandhi to Nazimuddin on Departure From Assurances Regarding Release of Detenus**Linlithgow Papers*

21 November 1937

DEAR SIR NAZIMUDDIN,

You will have seen my statement made after the Bengal Government Communique.¹ I hope you and your colleagues will regard it as satisfactory. I see that there is a departure in the communique from the understanding arrived at between us when we met on 17th instant.

Four months were meant for convenience of the Government, and not mine. But as I am practically bed-ridden I must be obliged to take almost that time to overtake my talks with the detenus and prisoners. As I am working in closest cooperation with Shri Sarat Bose, I would ask you please to permit him to act for me and continue my work among the detenus. Those at Hijali wanted to have two or three days with me. They said they would like to see Sarat Bose if I could not return soon. I shall be obliged to lie low for at least a month, if not longer. I hope therefore that you will have no objection to Shri Sarat Bose visiting those whom he may wish to see on the same terms that you were good enough to extend to me. I take it too that you will allow those detenus and prisoners who may wish to write to me under sealed cover.

Then there is a vagueness in the communique about the certain acceptance of recommendations I may make for the release of the remaining detenus. I trust that though the communique is vague, the undertaking abides.

The most disturbing thing however in the communique is the use of the phrase "Subversive movements". Throughout our conversations I have mentioned violent activities. In answer to question on civil disobedience and no tax campaign I had said plainly that these were merely suspended but never given up by the Congress. I for my part, could be no party to giving up non-violent non-cooperation. You will remember Lord Irwin did not insist on the abandonment of these. They were discontinued as part of the fact as they are in abeyance now. Let us hope that they will be never resumed. It is up to the responsible Governments in all Provinces so to conciliate public opinion as to render even non-violent direct action superfluous. But it has come to stay as a

¹ See No. 559

complete substitute for violent activities which people have from ages past resorted to for seeking redress of grievances. A wrong must have an effective remedy when ordinary methods fail. I take it, therefore I have correctly interpreted in my statement to the press the phrase "Subversive Movements," i.e. activities in themselves violent or intended to further violence.

Then there is the question of the prisoners convicted of political crimes. I can understand absence of reference to them in the communique. But as you know, I have to press for their release if I can get the required assurance from them as to abstention from violent activities. I hope the repatriation is proceeding apace and will finish without delay.

Yours sincerely,
M.K. GANDHI

P.S. Mahadev Desai reminds me that you allowed him to copy the formula that you had prepared as to the assurance to be given by the persons to be released. There it is. The person released will not take part in secret conspiracies or in movements other than openly sanctioned by the Congress. You will see that "Subversive movements" must not mean more than this.

M. K. G.

559

Gandhi's Statement on Bengal Government's Decision Regarding the Release of Detenus

The Statesman, 22 November 1937

The government of Bengal deserve congratulations for the decision they have arrived at on the question of detenus. Congressmen will be wrong if they judge the communique¹ by Congress measures. The Bengal Ministry are not bound by the Congress election manifesto, nor do they share Congress ideology. Nevertheless, they have travelled along Congress lines to considerable extent. It would be wrong not to make this admission. Even a political opponent is entitled to credit when this is due. In my opinion the Bengal Cabinet have responded to public opinion in a measure, though not to the extent I had expected.

I would be unfair if I did not mention the fact that H.E. the Governor was helpful in the matter. The Ministers could hardly have carried out their wishes but for the Governor's co-operation.

¹ See No. 551

I regard the communique as an earnest of much more to come. I share the opinion, expressed in the communique, that much will depend upon reaction to the Government's decision by the public and the 1,100 detenus who have been, or will be, released from all restraint. The requirement of supplying change of addresses to the police robs the release order of some of its grace. It betokens a timidity I wish the Government of Bengal had not betrayed.

But much need not be made of what, I hope, is mere formality.

I am sure that a full measure of relief will be forthcoming, if the atmosphere of non-violence is not disturbed, by the step taken by the Government. Even Congress insists on observance of non-violence; indeed, it is its political creed. Congress Ministers know that their existence, as such depends solely on the observance of non-violence. I hope that the released detenus will so act as to materially help the creation and consolidation of a non-violent atmosphere, on which Mr. Subhas Chandra Bose has justly laid stress in his message on the eve of his departure for Europe for his health.

I hope that the released detenus will be no party to any public demonstration on their behalf and that the public, too, will exercise necessary restraint. I would urge the released men to quietly undertake some public service. The great business houses will, I doubt not, help those who may be in need of employment. Most of the men I met in the jails of Calcutta told me that their sole object in desiring release was to serve the public cause in the manner indicated by the Congress. They, one and all, warned me against entering into any bargain with the Government for securing their discharge. They would not give any undertaking to the Government. The assurance given by them to me should, they said, be regarded as sufficient test of their bona fides.

I told them that I would not be guilty of selling their honour or self-respect for the purchase of their liberty.

The public will recall that, at the very outset of my negotiations, I ascertained from the Andamans prisoners whether I could work on the assumption of their renunciation of violent methods for the attainment of independence. I could not see my way to asking for relief without the ability to give such an assurance, provided of course, that it represented the correct mentality of the prisoners.

I was not able to finish my work in Bengal. It was not possible for me to do more during my time there. I am grateful to the Government of Bengal for the facilities they gave me to see the prisoners and detenus as often as I liked without the presence there of officials. My talks are not yet finished. My Hijli (jail) friends wanted to have two or three days' talk with me instead of the two hours only which I was able to give them; but then, they saw from my face that I was ill able to bear the strain of animated discussions. They were most considerate to me. I

knew that I took them at a disadvantage for they could not talk to me with the freedom they would have, had I been well. I hope, as soon as my health permits me, to go back to Bengal to see each one of the unreleased detenus and prisoners.

The communique is silent on the question of the Andamans prisoners. I know that the Government drew a broad distinction between convicted prisoners and persons detained without trial.

The distinction is right. There are undoubtedly difficulties in the way. But at this stage I can only say that I have every hope, if all goes well and the public—especially the Bengal public—continues to help me as it has done hitherto, to secure these men's discharge also.

One statement in the communique is disturbing. It says that the success of the Government's policy "must, however, depend on the co-operation of the public and the leaders of public opinion in maintaining an atmosphere in which subversive movements will find no encouragement".

If by "subversive movements" they mean only violent activities, no difficulty arises and no difference of opinion exists. But, if in the phrase they include non-violent activities such as the Congress stands for, including even civil disobedience, the releases already made are a mistake and further releases will become an impossibility. Throughout my conversations with the Ministers I made it quite plain that I could only help in maintaining non-violence.

Non-violence is the only proper and honourable common ground between the Government and the people. Democracy must remain a dream in India without that bed-rock. I hope and believe that by "subversive movements" the Government mean no more than activities which are either themselves violent or which are intended to further violence.

560

Zetland to Linlithgow on Some Princes' Consulting Congress on the Alternative Scheme of Federation (Extract)

Zetland Papers

22 November 1937

You will remember that in Paragraph 14 of your letter of October 27th you asked me if there were any further information which I required to enable me to form a considered opinion on the proposals embodied in the Draft Amending Bill which were referred to in your letter of August

19th. Your letter, of course, crossed my long official telegram of November 1st, and I think shall point in connection with our efforts to bring the Federation into existence which is perhaps worth mentioning. We have been told privately that their Highnesses of Panna and Dewas have been in correspondence with the Congress Working Committee with a view apparently to ascertain what would be the position of the States in a Constitution for the Centre devised by the Congress and it has been said that these are not only Princes who have been in communication with the Congress Working Committee on this subject. I wonder if you have any definite information on the point, and whether you think that there is any serious tendency on the part of the Princes to sound the Congress in connection with a scheme of Federation alternative to that provided for in the Act of 1935? I imagine myself that there is not much in this.

561

*Bihar Governor's Note for Discussion in Council on Proposal for Release of
Remaining Detenus*

Linlithgow Papers

CAMP,

22 November 1937

No. 1280 G.S.

MY DEAR LAITHWAITE,

His Excellency desires me to send for the information of His Excellency the Governor-General a copy of the note which he has recorded and sent to his Ministers with a view to discussion of the question in Council. This may facilitate further telegraphic references.

Yours sincerely,

A. J. MAINWARING

The recommendations made by the Hon'ble Prime Minister in his note of 5th November 1937 that all the remaining political prisoners should be now released are contrary to the policy which has been hitherto followed and make it necessary for me to analyse the position very carefully and to put the points which occur to me fully before the Hon'ble Ministers with a view to discussion in Council at an early date. Hitherto we have examined all individual cases, have considered the crime for which the accused was convicted, his age and any other extenuating circumstances and the period of his sentence which he has served. We have also in all

cases asked for individual statements that the prisoners no longer approve of terrorism and these have been obtained from them by the Parliamentary Secretary.

2. Sanction to the release of a certain number of prisoners has been accorded because it seemed that their release would not be dangerous either because they had taken a minor part in a serious conspiracy or were youthful at the time of conviction or because the conspiracy for which they had been convicted had been rather an amateurish affair and had not resulted in any serious overt acts and because the gang of which they were members was not connected with any terrorist organisation in Bengal. In some cases we have consulted Bengal. In view of the demonstrations which unfortunately took place in the United Provinces after the release of some Kakori prisoners, arrangements have been made in all cases for prisoners to be released in their home districts secretly so as to avoid any demonstrations, and I am glad to say that we have so far had no such demonstrations.

3. But though we only have comparatively few prisoners remaining, the wholesale release of such prisoners might cause the situation to deteriorate, and for that reason I have delayed the case so as to obtain the records of the judgments on which these prisoners were convicted. That has I am afraid led to some delay and even now I have not all the judgments available. I have however briefly analysed the cases which are outstanding and place as annexure to this note the analysis which I have made. Briefly the cases outstanding fall into three categories, (a) leaders of conspiracies which committed serious crimes such as dacoity, & c., e.g., Jogendra Shukul, (b) persons who took a serious part in conspiracies which carried out overt acts of crime, e.g., the remaining accused in the Patna Conspiracy Case (Kanhai Lall Missir, &c.), (c) persons who have carried on the manufacture of bombs in recent years or whose convictions are of very recent date and who have therefore served only a very short part of the sentences. Most of (a) and (b) are prisoners who were in the Andamans.

4. Before examining these three categories of any individual case, there is one point that I feel it very necessary to emphasize and that is we must take into account the position in other Provinces, in particular in Bengal and the United Provinces, to see how that affects our position, and to consider carefully whether any action taken by this Government may not have reaction elsewhere. I quite admit that our political prisoners even those guilty of violence had, with one or two minor exceptions, e.g., Malaj Krishna Brahmachari and the prisoners in one of the Jharia cases who collected explosives, little connection with Bengal. I admit also that owing to the long duration of the terrorist movement in that Province the venom of terrorism has sunk more deeply into the

youth of the Province and hence the position in the Province is far more dangerous. But our Bihar prisoners, it must be remembered, were in association with Bengal prisoners in the Andamans, and it is quite possible that they have imbibed some of the Bengal ideas and might establish connection with them again. It is also to be remembered that the "repudiation" of terrorism which our prisoners conveyed to Mr. Gandhi was also given, as far as I am aware, by some of the Bengal prisoners. I deal with this "repudiation" in greater detail below.

5. The Government of Bengal have so far not showed any signs of releasing prisoners who were convicted of serious offences, though it may certainly be said that there is a good deal of opinion that they should be released, and the present measure of merely releasing 1,100 detenus is criticised as inadequate. We have, it is true, by quietly and unostentatiously releasing out dangerous prisoners not, as far as I am aware, caused much embarrassment to the Government of Bengal, but I feel that there is a distinct risk that the policy recommended by the Hon'ble Prime Minister of releasing the remaining Andaman prisoners now, as a gesture, might have undesirable reactions in Bengal and make the position of their Government more difficult.

6. The position in regard to the United Provinces is different. It must be remembered in the first place that some of our prisoners such as Jogendra Shukul and the prisoners in the Patna case were closely connected with the revolutionary movement in the United Provinces and with organisations such as the Hindustan Socialist Republican Army of which the notorious Chandra Shekhar Azad was Commander-in-Chief. I have already referred to the demonstrations which took place when the Kakori prisoners were released, and I am very glad that, owing to the wise policy adopted by my Government and the good sense of those already released, we have avoided any such demonstration in this Province. It is no doubt hard that our prisoners should be penalised by what has happened elsewhere. But I feel that there is another way of looking at the position and must put it before the Council of Ministers.

7. More recent information which I have received from the United Provinces shows that the released prisoners and others are still indulging in objectionable activities. There was for example recently an Anti-Police Day at Cawnpore, and I have recently seen reports that some individuals have been touring in the districts, indulging in inflammatory abuse of the police and district officials, in particular before audiences consisting of persons already somewhat disturbed because of the agrarian agitation. This mischief might easily spread to this Province if we do not act very carefully in the measures which we take in this matter.

8. I admit there are no very marked signs of objectionable activities

by those already released, but I gather that they are uniting themselves and taking up with left wing organisation, such as the Congress Socialist Party, and the left wing Kisan Sabha. I am told that the ex-convicts in the Gaya case are making a nuisance of themselves in Gaya town and do not listen to the local leaders. Whether this report is correct my Ministers will be able to say better than I can.

9. Another point which I think it necessary to put before my Ministers is of a more general nature. For some time past, in particular in Bengal, there has been a growing appreciation by the members of the various revolutionary organisations of the futility of acts of individual terrorism, but this has not been followed by a desire to adopt legal and constitutional methods, but rather by substituting the method of mass organisation and mass revolution adopted by the Communist for the individual acts of terrorism. I have recently sent my Hon'ble Ministers a note received from the Government of India about Communist activities and methods, which I trust they have read. There is reason to believe that those who have not yet given up their belief in violent revolution are plotting on these lines; they wish no doubt to get rid of Congress right wing, to capture those elements in the country who are already disturbed as a result of economic conditions or because of the changes brought about by the new Constitution, to make use of those who in the past have been terrorist leaders or followers and thus pave the way for carrying into effect the ultimate object of the Communists or mass revolution.

10. I trust that in making the observations in the last paragraph, my Ministers will not think that I am drawing a too highly coloured picture or being too pessimistic. But I feel it my bounden duty to put before those who are now primarily responsible for law and order the risks which are possible, so that they may avoid any action which would cause the situation to deteriorate either in this Province or elsewhere. I fully recognise that it is the avowed object of Mr. Gandhi to improve conditions throughout Bengal and I am also fully satisfied that Congress or its right wing are fully aware of the danger of left wing Socialists or Communists capturing labour or peasants in any part of India. It is with a desire to help Congress in carrying out this policy that I feel it necessary to state the position as I see it with this frankness.

11. Before I deal with the more difficult questions of the leaders of, or participation in, the serious conspiracy cases, there are some points which arise in regard to the other prisoners still in jail, who have only been recently convicted and who were not sent to the Andamans. These cases I have marked A. Lekh Narayan Lall, B. Dayanand Jha and others (Darbhanga case), C. Anjani Kumar Singh, D. Ragho Prasad and others (Khajekalan case), E. Sheo Prasad and others (Mitan Ghat case). All

these cases except possibly C., which I refer to below, were cases in which young men or boys were attempting to make bombs, a fact which shows how easily dangerous bombs can be manufactured out of materials, purchasable in any bazaar; and this fact should be borne in mind, for it shows how easily persons with revolutionary tendencies can take up this dangerous activity. In each case no damage to any private individual or Government officer was done; the accused were still merely experimenting and not being very expert merely blew themselves up. In case A. the convict had merely collected material for bombs and the sentence of six years passed in March 1935 was severe. I have noted on his individual case and pointed out that unless he is carefully looked after, dangerous people may get hold of him. Case B. is a typical case in which young men, aged about 26-28, inspired by admiration of Bhagat Singh and others, endeavoured to follow their example. I have quoted in my note on this case the observations of the Sessions Judge. Their experiment resulted in the death of one of the conspirators and the object of the Sessions Judge in imposing a deterrent sentence (14 years in three cases and six years in one case) in March 1936 deserves consideration. Case D. was a case of even more youthful admirers of the cult of the bomb and of Bhagat Singh's methods. The object with which they were making bombs is obscure, but the Judge who tried the case considered that six years' R.I. was a suitable punishment. That sentence was only passed in May last. Case E. which is closely connected with case D. is more important for two main reasons: (a) the Judge sentenced two accused who admitted their guilt and appeared repentant to two and half years' R.I.; (b) the accused were proved to have engaged in the manufacture of bombs with a view to attack the Judge who had tried Case D. (Mr. Mahanti).

12. It appears to me doubtful whether case E. should be regarded as a "political case". Even if it be admitted that persons who manufacture bombs, because they are affected by revolutionary literature, are "political" prisoners, or in other words, as I understand the phrase, are inspired by a desire, however mistaken, to do something for the good of their country, is it right to hold that an attempt to murder a Judge is "political". Judges have to carry out their duty, often an unpleasant duty, of trying criminals and imposing severe sentences. It is clearly the duty of any Government to protect their judicial and magisterial officers.

13. Apart from this where, as in the Mitran Ghat the Sessions Judge has taken into account the repentance of the accused and the confession of guilt, is it wise to interfere with the considered sentence of a Judge? May it not have a prejudicial effect upon Judges if, except in cases where circumstances are undoubtedly such as to justify it, Government step in and remit or modify a sentence.

14. There is yet another point to consider. I quite admit that, in all these cases which I have cited above, there would hardly be any grave risk involved in the release of the convicts; I would qualify this however by adding, provided in the case of the younger prisoners, responsible people undertake to keep them straight. But even if this is done, is there not a risk that the idea may get abroad that anyone who claims to have committed an offence for "political" motive, will be released by order of the Executive Government, irrespective of the sentence imposed by the court. The Government responsible for law and order cannot merely consider the case of the individual, but the effect on the people generally. I have shown that in these cases youths and boys have indulged in the nefarious practice of manufacturing bombs, is it not desirable to show that that practice will not be tolerated, and is not the best method of emphasising the fact to uphold the sentences passed by the Court.

15. Again to take the case C., of a foolish individual who put a bomb in the High Court, obviously he was a man of weak intellect, but it is just these individuals of weak intellect who may be used by others as their tools. Is it not safer to keep him in jail, to make, if necessary, special arrangements for his treatment and custody than to let him loose and thereby show to similar people of weak intellect that to explode a bomb in the Court of the Chief Justice is not an entirely negligible matter which can be punished with the sentence suitable for a simple assault?

16. I recognise that the Hon'ble Prime Minister's note did not refer specifically to these cases, a fact which shows the necessity of examining individual cases, but mainly to the case of the more serious criminals who have come back from the Andamans. I must examine their repudiation of terrorism. I have on record the telegram which Jogendra Shukul, Vishwanath and Keshava Prasad Sinha sent to Babu Rajendra Prasad. It was as follows:—

"Our message to Mahatmaji clearly expressed the futility of terrorism as political weapon or creed; it is high time for the Bihar youths who even believed in it to openly come forward and declare that terrorism retards the progress of national emancipation."

17. I would only note on this that I would be glad to know exactly what is meant by "terrorism". Does it exclude definitely all unconstitutional activities?

18. I now come on to the more detailed letters sent by the Andaman prisoners since their return. There is first of all a letter addressed to the Hon'ble Member of the Government of India and is dated 27th September 1937. It is merely an attack on the arrangements made for their repatriation and a description of the inconveniences which they suffered on board the ship. It is a deliberate attack on the officials who were charged with the difficult task of bringing them to Calcutta in a

small steamer in the monsoon. They contend that the officials behaved with "sordid intemperance" and state a fact that I did not know before that the officials made their place and their time simply unbearable which resulted in the fasting of the persons throughout the length of the voyage, the names of whom are noted below. Then follow 14 names, several of whom have not anything to do with this Province. My only comment on this is that probably these 14 persons were sea sick, which though not pleasant may be unavoidable, and I have merely referred to this letter as showing that prisoners have close association with prisoners from other Provinces.

19. The letter which does not really concern us was forwarded to the Home Member of the Local Government with a letter dated the 3rd October 1937 which was even more intolerant and shows clearly how these persons convicted of serious offences such as dacoity or attempted murder seek to dictate to Government. They ask for a public enquiry. They say "if the responsible officials are left free to act and exercise the power to their own satisfaction, there is every probability of somebody losing his life, if not that, the nature of the sufferings and miseries that shall have free play, would endanger the health and life of many who have to come across them". They refer next to the fact that "the officers concerned were responsible not only for their life but also for their comforts and the sense of their prestige". I admit that jail authorities are responsible for the life of prisoners, but I cannot admit that a convict convicted of a serious criminal offence has any prestige to be protected. This document has been signed by 5 Bihar prisoners, of whom possibly one or two have been already released, possibly wrongly.

20. The next letter is signed or purports to be signed by 22 Bihar prisoners, most of whom are still in jail. It starts off by saying that it is "on behalf of all incarcerated for activities commonly known as terroristic".

It contains an attack on the repressive policy of the Government of India, whereby young men of different shades have been branded and deprived of their liberty to be shoved inside the bars of the prisons. They refer to the "sordid and debasing treatment meted to them in past years", and to their deportation to the Andamans. They fail to admit that there was any guilt on their side; they do not consider the persons such as the Station Master of Hajipur who was murdered—and merely present the claim that all political prisoners should be released. They contend that this would create a healthy atmosphere in the Province.

21. I do not quote more of this letter which may be read, but I submit that it tends to show that the claim they put forward is not merely for their own release, on the ground that they have repudiated terrorism,

but for the release of each and every so-called political prisoner in all Provinces. There seems to me no sign of a change of heart, but rather that these prisoners feel that in the present state of public opinion they can dictate their terms to Government. I think we received a telegram from the Government of India that they intended to resort to a hunger-strike if their demands were not conceded.

22. The two most difficult cases with which we are concerned in Bihar are those of Jogendra Shukul and Chandrika Singh. There is also that of Kedarmuni Shukul, but I have not been able to obtain his full record, but I find he took part in the Maulania Dacoity case in which one man was fatally speared and property worth Rs. 1,200 was stolen. I do not know whether he is any relative of Jogendra, but I find that both he and Jogendra absconded after this case, but were at last arrested and both of them received sentences of ten years. I have annexed to this note a note prepared by the C.I.D. regarding Jogendra Shukul, who is clearly a man of influence and character. I recognise that the Hon'ble Prime Minister considers that he is a reformed character, that he is a completely changed man and will be of help in winning youths away from violence. I trust this is true; it is clear that he is still of great influence and was a leader among the prisoners in the Andamans. But I must draw attention to two facts to which I have already referred: (a) that the letter addressed to the Home Member of Bihar is rather a request for the release of all "political" prisoners, (b) that released prisoners in the United Provinces are engaging in very objectionable activities. I mention part (b) because Jogendra during his previous career was closely connected with United Provinces revolutionaries. It is possible of course that Mr. Kripalani who was associated with him in his early years may have some influence over him. It is necessary to consider in his case (i) whether he should be released at once unconditionally—(I should like to know in this connection whether he still holds out threats of a hunger-strike). Possibly the Hon'ble Prime Minister found out something about this during his interview, (ii) whether he should be released conditionally, *i.e.*, upon some responsible person giving security for his good behaviour, (iii) whether his release should be definitely refused. If he is released under (i), it would be essential in my view for him to be very carefully watched by the police.

23. Chandrika Singh was clearly a most dangerous character. I draw attention to the C.I.D. report about him that "he is a hardened criminal and a handy tool for his old master when in search of someone to do his dirty work. He is unlike all other Bihar terrorists in that he has nobody to really help or care for him". It appears very probable to me that if he got in touch with the released convicts in the United Provinces who I

have reason to believe are giving trouble, he would be a nuisance. It is possible that my Hon'ble Ministers may know about him.

24. I regret having to write this note, to controvert many of the points made by the Hon'ble Prime Minister. But it is clearly my bounded duty to do so. It is very easy for a non-official member of the Legislature or member of a local Congress Committee to say that all "political" prisoners should be released, but the Government which is in power must not accept that view, even if it has been part of their election programme. They must consider what the result will be; they are, I know, as anxious as I am, to maintain law and order in Bihar, and I trust also that they realise that Bihar cannot be considered in isolation, but that we must consider conditions and reactions in other Provinces.

25. That whole question must be fully discussed at a meeting of the Council of Ministers to be held on such date as the Prime Minister may think suitable, after he and his colleagues had considered the somewhat voluminous notes which I have written on this very difficult subject.

M. G. HALLETT—22.11.37

Jogendra Shukul.

Gulali Sonar.

Kedarmuni Shukul.

Mahanth Ram Raman Das.

Chandrika Singh.

Ram Prasad Singh.

Sakaldip Goala.

Rampratap Singh.

Malay Krishna Brahmachari.

Lekhnarayan Das.

Dayanand Jha.

Shiv Kant Misra.

Brahmdeo Narayan Thakur.

Chandra Kant Misra.

Anjani Kumar Singh.

Ragho Prasad.

Panna Lal.

Ram Babu.

Sheo Prasad.

Satya Narayan Misra.

Rajendra Prasad.

Surajnath Chaube.

Kanhai Misra.

Shyam Kishun Agarwala.

Shamdeo Narayan.

Mahabir Missir.

Lekh Narayan Lall was convicted of offences under the Explosives Act. The police had received information that he had bombs or material for bombs in his possession and was intending to go to Patna to make an attempt on the life of the C.I.D. Sub-Inspector who had previously been stationed at Madhubani. Various searches were made in the course of which cement balls, needles, four sharp spear-headed iron pieces and certain chemicals (red sulphide of arsenic and potassium chlorate) were discovered. This really was the main evidence against him. The Judge found that there was no sufficient evidence adduced by the prosecution to prove the existence of a revolutionary party in Madhubani or to hold that the accused was a member of that party. But he added "there cannot be any question that there are persons abroad in this sub-division who are acting in a manner prejudicial to the public safety and peace". This was based mainly on the fact that Government had taken action under the B. & O. Public Safety Act against certain persons. There was also evidence to show that the accused associated with these suspects. In fact the Judge held that he was "a close associate of these dangerous characters".

As regards the articles found in the accused's possession, there was evidence of the Inspector of Explosives that two chemicals together formed a dangerous explosive while the other articles, cement balls, needles and sharp iron pieces were such as could be used to charge a bomb which would be dangerous to human life. Having found that the accused had these article in his possession and knew how to use them, the Judge found that "the accused is a derelict boy who has cut himself adrift from the moorings of his home and home influence and though the accused was no doubt working as a Congress volunteer and sometimes in the Congress Relief Camp, yet it was but a step for the accused to develop the evil propensities and to drift into a dangerous channel. I have already discussed the evidence showing that of late the accused has been a close associate of several dangerous characters and thus it is quite reasonable to infer that the accused could participate in dangerous activities". He further added "the accused seems to be at the threshold of life, aged only 15 or 16 years and of impressionable and immature mind; he has been corrupted on account of his recent association with the dangerous characters". He was sentenced as recently as 2nd March 1935 to six years and four years (concurrent) and thus has not done half his sentence.

I cannot find that he has signed the petition addressed to Government, he was presumably not sent to the Andamans and may not have been in Hazaribagh. His case is somewhat similar to other cases in which I have agreed to the release of boys who were young at the time of conviction. The danger in the case is that he will be got hold of again by bad

characters. I recognise that it may be argued that the dangerous suspects with whom the Judge found that he associated have renounced the cult of terrorism. But there is always a risk of others coming along and getting hold of a boy of the kind. It may not be very great at present, but we cannot tell what the position will be a year hence. If he gives the usual undertaking, I could raise no very strong objection to his release, for I think the original sentence was a bit severe, but if he is released, the local Congress workers who are in Madhubani should look after him carefully and see that he does not get into mischief.

M. G. HALLETT—19.11.37

Dayanand Jha.

Shiva Kant Misra.

Brahmdeo Narayan Thakur.

Chandra Kant Misra.

This case seems not unlike that of Lekh Narayan which I have just examined, but more serious. Brahmdeo Thakur is a Bhumihar Brahmin and the other three are Maithil Brahmins, and all were at the time of conviction in March 1936 about 26–28 years of age. They were members of Congress and worked on earthquake relief. For some reason these youths formed the idea of becoming a revolutionary party and got materials for the manufacture of bombs, sulphur, red sulphide of arsenic, potassium chlorate, cycle bells, & c. In July 1935 they experimented with making a bomb and one of the conspirators Asharfi was killed, while the others got burns on their bodies. The judgement is very lengthy, but the main evidence against the accused consisted of the evidence of the approver and the injuries found on their bodies. A paper was also discovered in the handwriting of the boy who was killed, Asharfi, containing songs extolling Bhagat Singh, &c. I need not discuss all the evidence of association, but just the finding of the Judge which was as follows: "There can be no doubt that all these six persons knew and associated with one another before they took part in the preparation of bombs on the 6th July 1935. They had several things in common, age, caste, residence, education and political leanings". Later in the judgement after discussing the defence evidence, he recorded the opinion: "It is manifest that the accused persons unlawfully and maliciously made the explosive substance, *viz.*, a bomb. That their intention was to endanger life and cause serious injury is patent from the evidence that the bomb was meant to be used against people who in the opinion of the accused were 'Desh-Drohi' (enemies of the country) and that the bomb was capable of causing serious injury and endangering life is proved by the death of Asharfi and the injuries sustained by Kameshwar and the accused persons." "The explosion however

occurred as a matter of accident, apparently owing to the negligent closing of the mouth of the small phial put inside the explosive mixture, and in my opinion, it cannot thus be said that the accused themselves conspired to cause the explosion."

In considering the case of individual accused, he observed: "It is abundantly clear that Shiva Kant was mainly responsible for the preparation of the bomb at Gandhwar; the part played by Dayanand, also called the 'master', and Brahmdco is of no less importance. As regards Chandra Kant, there can be no doubt that he played a somewhat minor part in the actual preparation of the bomb."

In considering the question of sentence he observed: "The offences committed by the accused persons were of a very grave nature and in view of the growing tendency of students and young men easily to take themselves to the preaching and practice of revolutionary doctrines and anarchical methods, to the great detriment of the country, it is manifest that deterrent punishment should be inflicted if the evil is to be eradicated. The guilty persons are not so young that they could be said to have merely made an experiment in the art of preparing a bomb; the way they planned and set about the work indicates that the present episode is not a mere isolated instance of some village youths foolishly playing some pranks with dangerous chemicals but a deliberate action taken by persons who had already been imbued with a spirit of defiance of the established system, and who had been fully cognisant of revolutionary practices to commit offences of a most serious nature against the State and the life and property of people under its protection." He therefore sentenced Shiva Kant, Dayanand and Brahmdco Thakur to transportation for 14 years, and Chandra Kant to five years' R.I. This was dated 11th March 1936, so that out of these long sentences only a very small fraction has been served.

There was apparently an appeal to the High Court, but I have not been able to obtain their judgement as yet and do not delay the case to obtain it. These prisoners are not included among those Andaman returned prisoners who addressed the petition to H.M.

Anjani Kumar Singh.

This is the person convicted for placing a bomb in the High Court at Patna, an event which occurred on 5th October 1936 when a bomb exploded in the Court room of the Chief Justice and Mr. Justice James. The accused apparently went two days later to the Collector's house to confess and after his arrest he actually made a confession to a Magistrate. It was mainly on these confessions made also apparently to persons other than Magistrates or Police officers that he was convicted. In the confession before the Magistrate the reason for having exploded a bomb

was stated to be as a warning to the authorities as lands of the tenants were being sold in auction, they were subjected to Chaukidari tax and the police did not perform their duties efficiently with the result that thefts were rampant. The accused's subsequent statement that he committed the act at the bidding of C.I.D. officers was found to be false. He was sentenced in the present year on 12th April 1937 to five years' R.I. His appeal was summarily dismissed by the High Court without any comment.

It is a curious case and there is nothing to show his connection with other anarchists.

Ragho Prasad.

Panna Lal.

Ram Babu.

These persons were convicted in what is known as the Khaje Kalan Ghat case in Patna City.

On July 5th, 1936, there was an explosion in the room in which Ragho Prasad used to live. A Sub-Inspector went there and found Ragho Prasad with several injuries and also that considerable damage had been done to the room and its furniture. As a result mainly of the statements made by Ragho Prasad—his confession took six hours to record—the other accused were arrested. It appears they were all students at the same school, and some time before this incident Ram Babu gave Ragho revolutionary literature to read. They appear gradually to have formed a sort of secret society, which discussed the manufacture of bombs and apparently on June 28th Panna Lal made a bomb which exploded without doing any damage. It is unnecessary to detail this confession further, but it was held by the Judge to be voluntary. Apart from the evidence there were certain articles found in the house or in the river Ganges near it which pointed to the manufacture of bombs. Some proscribed revolutionary literature was also found there as well as a speech, &c., written by the accused. The Judge found "the articles and books recovered from Ragho's room strongly corroborate his confession that he read certain books of a revolutionary character and became a believer in the cult of violence, and was desirous of preparing bombs and that a bomb exploded in his house. There are certain circumstances which go to show that this was a secret association of some boys who had revolutionary ideas and who had the object of preparing bombs. A vow was drafted which the accused apparently signed with their own blood. The evidence showed that the bomb which exploded in Ragho Prasad's house was dangerous and that Panna Lal had brought it there. Ram Babu was proved to have manufactured bombs in his garden house. As the accused were young, Ragho and Ram Babu were about 18

and Panna Lal 16 or 17, they were sentenced by the Judge Mr. Mahanti on the 10th of May in the current year 1937 to five years' R.I. They have thus served a very few months.

Sheo Prasad.

Rajendra Prasad.

Satya Narayan Misra.

This is the most recent bomb case and is very similar to the Khaje Kalan and Darbhanga cases, students attempting to make a bomb and damaging themselves in the attempt. Sheo Prasad pleads guilty and the plea was accepted. The Judge noted "He is a young man of about 20 years and seems to be repentant. One of his eyes was taken out as a result of the explosion". Through taking a lenient view of the offence for this reason, he sentenced him to two and half years' R.I. on 3rd September 1937.

Rajendra Prasad also pleaded guilty. He too was only about 18 or 19 and seemed repentant; he had one of his hands amputated. The same sentence was imposed on him.

The third accused Satya Narayan Misra fought the case and from the judgement it appears that Sheo Prasad, who had previously been convicted under the Explosive Substance Act and had only been released in August 1936, met Ragho Prasad and Ram Brichh Singh Brahmachary in jail, the latter also after his discharge. These three persons used to visit the Court of Mr. Mahanti when the Khaje Kalan case was going on and a threatening letter was sent him that if he convicted in that case, he would be shot dead. The authorship of the letter was not proved. But the prosecution case was that after judgement was delivered in that case, the accused met and decided to throw a bomb at the Judge and took steps to manufacture bombs by purchasing the usual chemicals. On the evening of 18th May the explosion by which the two accused were seriously injured took place.

The Judge's final finding is that Satya Narayan took part in the deliberations which took place to prepare bombs to kill the Judge and agreed to it and also purchased chemicals for the preparation of the bomb, wrote out the formulas for the same, went with the other two persons to Mittanghat for the purpose and that the bomb which was being prepared as a result of all this was malicious in character and capable of causing grave injury to life and property. In sentencing the accused, the Judge took into account the fact that the accused was a mere student and unfortunately fell into evil company. He sentenced him on 30th September 1937 to three and half years' R.I.

It is rather difficult to see how these preparations to murder a Judge who was doing his duty can be regarded as a "political" offence.

Ram Prasad Singh.

In February 1932 a dacoity took place at the Math of Ram Das Sadhu at Amarapur in Bhagalpur District. It was a perfectly ordinary dacoity, as will be seen from the very detailed judgements recorded by the High Court and Sessions Judge. Ram Das the Mahant was killed with a spear and the final result of the case was that, apart from Ram Prasad Singh, two other persons—Mohit Chandra Adhikari and Bachkan Gope—were convicted for taking part in a dacoity in which murder was committed. They were not sentenced to death because the Judge felt it was not proved who struck the fatal blow. The High court considered the question of enhancing the sentence, but did not do so. It is rather difficult to find out why the accused were regarded as political prisoners. The judgement of the High Court does not refer to the question of motive and reading that judgement I found nothing to differentiate the case from any other dacoity. The Sessions Judge referred to a statement of the accused in which they admitted that they had been exciting themselves to boycott and therefore with the Courts established by Government. Ram Prasad said that "he used to work for Congress when required". Chit Narayan and Suraj Narayan who were acquitted stated that they worked as Congress pickets and had therefore been falsely implicated by the police. Mohit also admitted working for the Congress Party. I have not seen the names of Mohit and Bachkan who was servant of Mohit in any list of "political" prisoners so far as I recollect. The learned High Court Judge, Sir T. S. Macpherson, in upholding the sentence observed that "The position cannot be too positively affirmed in these serious days of combined dacoity and murder *when the preventive function of punishment must be no less operative than the punitive.*"

Sakaldip Goala.

Ram Pratap Singh.

These two persons were convicted under various sections of the Railway Act of the dastardly crime of trying to wreck an Express train near Patna; fortunately no one was killed, but that fact does not in my view minimise the serious nature of the offence. Sakaldip who had previously been a Railway servant and therefore, as the Judge observed, ought to have realised the serious consequences of derailing a train was sentenced to transportation for life on two charges.

Ram Pratap was found by the Judge to be a revolutionary and holding this view the Judge considered exemplary punishment was necessary and sentenced him also to transportation for life. These sentences were passed on the 28th August 1932. A third accused Bhagwan Singh was sentenced only to seven years' R.I., and he has already been released by Government.

Ram Pratap has earned 283 days' remission and according to the jail statement has still 14 years to serve. He has signed the petition addressed to Government to which I refer earlier in this note about renunciation of terrorism and release of all "political" prisoners. Sakaldip has apparently not signed this petition, but presumably has the same amount of sentence outstanding; possibly he does not regard himself as a "political". Sakaldip, who was a gateman on the E.I.R. and had got into some trouble, supplied the other conspirators with the necessary tools. Ram Pratap, who was suspected of being a revolutionary and was an expert "lohar", was obviously the leading man in the conspiracy, apart from one Neta who turned informer.

The case is certainly difficult; if we release Ram Pratap, it would in my view hardly be justifiable to retain Sakaldip in custody. But if they are released, though they are hardly likely to organise any revolutionary party themselves, is there not a risk that other persons might make use of them again, to commit the offence of sabotage of a train for which they have special qualifications. I have said above that they have 14 years to serve, but I would note that the sentences of all persons sentenced to transportation for life are reconsidered by Government after about 14 years and in many cases they are released, though Government can detain them for longer if the crime was particularly heinous and in the interest of society early release would be unsafe. Possibly or even probably, provided attempts at train wrecking were not prevalent, these persons would be released under that rule, that is to say, in about 1946, or 9 years hence. If they are released earlier, I feel that it would be desirable to see that they were properly looked after, that they were released only on probation and that each of them was required to produce one or two persons who would stand surety for his good behaviour.

M.G. HALLETT—19-11-37

Surajnath Chaube,
Kanhai Lal Missir,
Sham Deo Narayan,
Shyam Kishun Agarwala,
Mahabir Missir.

These were all accused in the Patna Conspiracy case of 1932, which was based largely on the very detailed statement of Hazari Lal, one of the conspirators. One of the accused in this case, Rai Mahendra who was a boy has already been released, while the case of Mahabir Missir has already been considered.

The conspiracy apparently started in 1930 when Chandra Shekhar Azad the Commander-in-Chief of the Hindustan Socialist Republican Army, asked Hazari to collect recruits. He collected the accused on various dates; the object of the party was to establish a socialist republic

by terrorism, to kill European officers and to collect men, arms, ammunition and funds. Hazari Lal revealed that, in pursuance of these objects, the following acts were done: (a) an unsuccessful attempt in June or July 1930 to rob an old man Lodna Sao, (b) a proposal to kill a C.I.D. Inspector which came to nothing, (c) a test of Kanhai by burning his wrist and cutting his fingers, (d) practice with revolvers, &c., (e) a certain number of unsuccessful attempts at robbery, (f) the murder of Ramlalit, one of the gang on 15th May 1931 as he was suspected by being a police agent, (g) after that various other plots were considered and the accused were in touch with the Central H.S.R.A. in the United Provinces, (h) finally there was the incident of the arrest of Hazari Lal in Bhiknapahari when he threw a bomb which injured himself and killed one and injured other police officers. It was after this that Hazari made his detailed statement which the Judge found to be true and to be corroborated. It is unnecessary to go into the very detailed examination which the Judge made of the evidence about all the individual incidents mentioned by Hazari. I deal with the evidence against the accused whose cases are being considered.

Surajnath Chaube, who was recruited in January 1931, apparently took part in most of the early activities of the conspirators; he also suggested some of the plots which never matured; he was also a party to the actual murder of Ramlalit. He had been convicted in June 1931 of offences under the Arms Act and Explosives Act, *i.e.*, just after the murder of Ramlalit. He was convicted under 120, B.I.P.C., of conspiracy to commit an offence punishable with death and was sentenced to death. He was also sentenced under 121-A. to transportation for life and to sentence of 20 or 19 years under the Explosives Act. This was on 18th April 1932. This sentence was I understand from the jail report altered to a life sentence. He has earned 348 days' remission up to September 1937 and is shown as having 12 years 11 months to serve.

Kanhai Lal Missir whose courage had been tested by cutting his fingers and burning his hand was found to be an active member of the party, but the Judge did not regard it as proved that he was the actual murderer of Ramlalit. He too got finally a life sentence and has 13 years and 7 months to serve.

Shyam Kishun Agarwala was found by the Judge to be an active revolutionary. Like the others he got a life sentence and has therefore more than 13 years to serve. His age is given in the jail record as 24, so he was fairly young when convicted.

Sham Deo Narayan appears from the judgment to have played a less important part in the conspiracy, but on him too the same sentence was imposed.

This was certainly a pretty serious conspiracy and the accused were, it

is important to note, mixed up with revolutionaries in the United Provinces and Delhi, *e.g.*, Kailaspatti, the approver in the Delhi case.

Chandrika Singh, son of the late Dwarka Singh of Ismaila, p.s. Dighwara, district Saran, was born in 1910 and is a Rajput by caste. He lost his father who was a petty cultivator in his boyhood. He read up to the Middle English standard at Malkachak, the village of Rambinode Singh, whom he has always acknowledged as his leader.

In 1930 he gave up his studies and was trained by Jogendra Shukul, the leader of the Bihar Branch of the Hindustani Socialist Republican Army, who was then in concealment at Malkachak. After the arrest of Jogendra Shukul, Rambinode and others, Chandrika took an active part in reorganising the party under the leadership of Ramdeni Singh. He also worked as a Congress volunteer and joined in the agitation to break the Salt Act during the civil disobedience movement.

About May 1931 Chandrika was in touch with Rambhawan Singh of the Chapra terrorist party (convicted in the Saran Conspiracy case) and knew of the scheme to rob the Phulwari Mathia, which eventually formed the basis of the Chapra Conspiracy case. He did not participate because his leader (Ramdeni) was unwilling to join that party.

The plan to loot the cash bags of Hajipur railway station on 15th June 1931 was decided at Malkachak in the orchard of Bharat Singh, who later turned approver. Chandrika's part in the crime was to support Ramdeni who took the lead and carried away the cash bags from the platform. He remained absconding for 2½ years till 4th December 1933 when he was arrested at Madhubani while trying to escape after making a murderous assault on Sub-Inspector Vedananda Jha, Special Branch Officer, posted at Madhubani.

After the arrest of Ramdeni Singh (hanged in the Hajipur station dacoity case) Chandrika while absconding became the custodian of the arms of the party for some time. Source information revealed that he was moving about in the Nepal jungles bordering Madhubani subdivision where he was joined by two other absconders, Chandrama and Baikuntha Shukul (the murderers of the Lahore Conspiracy case approver Phanindra Nath Ghosh of Bettiah). Before the Madhubani assault case he was reported to be hiding near Madhubani and was harboured by known revolutionaries specially Suraj Narain Singh of Narpatnagar. The last named instigated Chandrika to commit this crime as he was aware that the Special Branch Officer had been posted there mainly to watch him. Two other suspects took an active part in laying the trap for the officer, which would certainly have proved fatal had not the darkness and possibly the excitement of the moment caused Chandrika to strike a glancing blow with the kukri he used.

After the occurrence he attempted to escape, but was chased and

arrested with the kukri, explosives and patakas. He was then under the impression that he had killed the officer and when taken to the p.s. said "I have done my job—now do yours". The Red leaflet bore the words "The result of improper behaviour with political Sanyasis". He was sentenced to seven years' R.I., but the Hon'ble High Court enhanced it to transportation for life when he appealed. He could not be sent up in the Hajipur station dacoity case, as there was no hope of his identification after a lapse of two years.

Kalyani Devi, wife of Chandrika, has been an active Congress worker and was once convicted during the civil disobedience movement. She also was under the influence of Rambinode Singh and later went to the Kanya Pathshala, Allahabad, to be educated. She is a woman of rather loose character and is now living in Supaul with a former member of Rambinode's party.

It, however, seems unlikely that Chandrika will ever try to be anything but what he is—a hardened criminal and a handy tool for his old masters when in search of someone to do their dirty work. He is unlike all other Bihar terrorists in that he has nobody to really help or care for him.

Jogendra Shukul, son of Ganoo Shukul of Jalalpur, p.s. Lalganj, Muzaffarpur, was born about 1897.

He is a Bhumihar by caste and read up to the Matriculation class in the G.B.B. Collegiate school, Muzaffarpur. While a student he came under the influence of J.B. Kripalani (now General Secretary, Indian National Congress) who was a Professor of History in the G.B.B. College in 1917-18.

Jogendra left for Benares with Kripalani in 1920 and studied for some time in the Kashi Vidyapith (a national institution).

From 1920-1926 Jogendra Shukul moved about mostly in the United Provinces and became a prominent member of the H.S.R.A., which had become a formidable terrorist organisation in Northern India.

We know from the statements of several of his trusted lieutenants that Jogendra was a member of the Central Committee of the H.S.R.A., was intimate with Bijoy Sinha, Bhagat Singh, Chandra Sekhar Azad, Kundan Lal, arranged shelter in Bihar of the first three named and smuggled arms from Gwalior and Bhopal through Radhey Shyam.

In 1927 he returned to Bihar and selected the Hajipur Gandhi Ashram as his centre. He began vigorously to organise a revolutionary party with the assistance of Satya Narain Singh, an old Anushilan party member and an inmate of the Gandhi Ashram, though ostensibly he carried on Khaddar business and contract work for the local board, of which Biswanath Prasad Singh of Karnauti, later convicted in the Motihari Conspiracy case (Jhajhra and Dheluaha dacoities) was the Vice-Chairman.

Owing to his outstanding personality he succeeded in building up a strong organisation in a short time. A man of fine physique, personality, daring and organising capacity he made a lasting impression and the slogan "Jogendra-Shukul-ki-jai" has since been freely used by revolutionaries and students.

He got in touch with local criminals and took their assistance in the commission of dacoities. A Nepali desperado named Jhabar Bhai was used by him as his personal guard.

In February 1928 Phani Ghosh (the murdered approver in the Lahore Conspiracy case) handed over a revolver and some ammunition to Jogendra Shukul for arranging a dacoity.

In August 1928 Bhagat Singh (executed in the Lahore Conspiracy case), Chandra Sekhar Azad (who was shot by Mr. Nott Bower in Allahabad Park in 1931), Phani Ghosh and Monohar Banarji met at Bettiah to discuss the plans of an action in the vicinity of Hajipur, but this was later abandoned.

In October 1928 Kapildeo Rai, Nanku Singh, Kedarmani Shukul and Gulali Sonar, all convicted later in the Maulania dacoity, were sent from Bettiah to commit a dacoity near Sonapur under the leadership of Jogendra Shukul. The attempt, however, proved abortive.

In November 1928 the Bazidpur dacoity (p.s. Dalsingsarai, Darbhanga) took place. One inmate was shot dead and cash and ornaments valued at over a quarter of a lakh were looted. This case remained undetected, but it is now known that Jogendra Shukul with his gang of terrorists committed the crime with the aid of Parmanand Tewari of Shahpur Patori, a relative of the complainant.

In December 1928 Jogendra attended a secret meeting of the terrorist groups of United Provinces and Calcutta in the Congress pandal and undertook to raise funds for the party by committing dacoities. It may be mentioned that Phani Ghosh and Kamalnath Tewari (convicted in the Lahore Conspiracy case) of Bettiah also attended the Calcutta session of the Congress.

Along with Anant Kurmi, Bacha Singh and other local criminals Jogendra Shukul committed a dacoity in village Bahlolpur, p.s. Lalganj, Muzuffarpur, in January 1929. A revolver was fired and Rs. 400 in cash stolen. On this occasion Jogendra drove to the scene of occurrence in a car.

In April 1929 Jogendra Shukul with Anant Kurmi and other local criminals committed a burglary in Garul, p.s. Mahua, Muzuffarpur. Rs. 1,600 in cash and ornaments worth Rs. 1,200 were stolen. This case and the Bahlolpur dacoity at first remained undetected, but the names of the culprits were ascertained from the confession made by Anant Kurmi on 17th September 1929.

In May 1929 Jogendra Shukul promised to supply two revolvers to

Ram Chandra Prasad, a member of Mahindra Narain Ray's Patna group who contemplated the commission of a dacoity with the help of Pashupati Singh of Monghyr, at present of Chapra.

On the 24th May the houses of Phani Ghosh and Monohar Banarji at Bettiah were searched in connection with the Lahore Conspiracy case. As Bijoy Kumar Sinha, the United Provinces terrorist, was being harboured in Bettiah, Jogendra left hurriedly for Benares on the 26th, evidently to arrange for the absconder's shelter elsewhere.

On 7th June 1929 Jogendra Shukul committed the Maulania dacoity in Bettiah p.s. with the Bettiah party. One man was fatally speared and ornaments worth Rs. 1,200 were stolen. While making their escape the dacoits fired a revolver. The ostensible reason for this dacoity, as disclosed by the approvers Monohar Banarji and Phanindra Nath Ghosh, was to collect funds for themselves and for the maintenance of the absconders of the Punjab and the United Provinces who were being harboured in Bihar about this time.

Before the detection of this case Jogendra Shukul left for Benares on 13th June 1929 and thence proceeded to Manikpur accompanied by Gokul Das from Allahabad. The police later recovered a revolver and some cartridges from a steel box which they carried with them.

As soon as he was named in the Maulania dacoity case Jogendra Shukul made himself scarce. During the year he was absconding he spent at least three months under the protection of Ram Binode Singh, his friend and an old Anushilan Party member, at Malkachak Gandhi Kutir. Jogendra during this time went by the name of Sohan Bhai. From information subsequently obtained it is known that Jogendra spent his time training youths at Malkachak. The course included revolver practice, swimming, dagger and spear drill. It was here that plans for the Jhajhra and Dheluaha dacoities were worked out.

On 29th May 1930 the Jhajhra dacoity (p.s. Singhia, Darbhanga) was committed. The dacoits who were dressed in khaki shirts and shorts drove to the village in a car, fired shots and decamped with Rs. 6,500 in cash.

The Dheluaha dacoity (p.s. Madhuban, Champaran) was committed after an interval of one night. In this case also the dacoits, who were dressed in shirts and shorts and were armed with guns, swords and kukris, came by car. Several shots were fired and property worth Rs. 4,000 were looted.

In both the cases Jogendra Shukul led the dacoits who were revolutionaries of both the Hajipur and Rambinode's Malkachak group and also ordinary criminals, of whom Ramdeni Singh, a servant of Rambinode Singh, was considered a master criminal. He was later executed in the Hajipur Railway Station dacoity case.

On 11th June 1930 Rambinode Singh's Gandhi Kutir in Malkachak was raided and Jogendra Shukul who was asleep was arrested after a struggle. A loaded five-chambered revolver was found under his pillow and another loaded revolver, khaki shirts and shorts were recovered. Ten days later a six-chambered revolver and kukris were recovered from Rambinode's house.

After arrest Jogendra Shukul was placed in Chapra Jail along with the co-accused Rambinode Singh and Ramdeni Singh.

The United Provinces and the local parties were eager to rescue Jogendra Shukul and they discussed plans. Indradeo Singh, brother of Rambinode Singh, went to Meerut with a letter from Jogendra Shukul which was smuggled out of the jail and brought four revolvers from there. Impressions of the lock of Jogendra's cell were also obtained and keys were made which, however, did not fit the lock. Ramdeni Singh succeeded in escaping from Chapra Jail on 24th September 1930, but Jogendra failed, and he was then transferred to Motihari Jail along with Rambinode. Here also arrangements were completed by the party for Jogendra's rescue and a saw for cutting the bars of the cell was passed in to him through a warder. Timely information was received and the plans were frustrated. A portion of a bar of Jogendra's cell was found cut.

Jogendra Shukul was convicted and sentenced as follows:—

Jhajhra and Dheluapha dacoities (known as Motihari Conspiracy case)—

- (1) 30th March 1931—395 I.P.C., ten years' R.I. by Sessions Judge, Champaran.
- (2) 30th March 1931—395 I.P.C., ten years' R.I. by Sessions Judge, Champaran, to run concurrently.
- (3) 30th March 1931—120/395 B., I.P.C. convicted, but no separate sentence passed.

Maulania dacoity:—

- (4) 5th October 1931—396 I.P.C. ten years' R.I. by Sessions Judge, Champaran.

Dighwara p.s. Arms Act case:—

- (5) 22nd September 1930—19 (f) Arms Act—18 months' R.I. and fined Rs. 200 in default 6 months' R.I. by Deputy Magistrate, Chapra.

After the prosecution of Jogendra Shukul it transpired from the statements of his accomplices that Jogendra took part in several attempted dacoities in Tirhut in addition to those mentioned above, and that along with Jhabar Bhai and other professional criminals of Calcutta he committed at least three robberies, one of which was attended with murder, in Calcutta and its suburbs during the period he was absconding—June 1929 to June 1930.

Baikuntha Shukul, the murderer of approver Phani Ghosh, was his relation and co-villager and was trained by him.

Jogendra was transferred to the Andamans in December 1932 where he participated in the hunger-strike and was ultimately repatriated on 25th September 1937.

It is probable that even if he desires to reform his character, he will be given no chance of doing so by his numerous revolutionary and criminal associates. This is the opinion of several members of his old gang as well as the police. Throughout his stay in Jail he has been the leader of the Bihar convicts.

562

Linlithgow to Hallett on Release of Detenus

Linlithgow Papers

22 November 1937

MY DEAR HALLETT,

Many thanks for your valuable report of the 11th November. I fully realise the importance of the Kisan movement, and it is a great relief to me that you should throughout have had your finger on all the developments in connection with it, and that your Ministers should themselves realise how difficult a problem it will constitute for them unless it is handled on the right lines. The account which you give me in paragraph 4 of their attitude is definitely encouraging, and the more responsible Ministers of the Congress provinces realise the danger which may face them from their own left wing, and are prepared to stand up to it, the better. One satisfactory outcome of the recent discussions in Calcutta is that Kher in Bombay, appears to have come away with permission to fall back on the emergency powers if necessary; and I could not help feeling that Nehru's own statement to the press that coercive measures might have to be resorted to in certain circumstances by Congress Ministers was all to the good.

2. Paragraph 2 of your letter raises an important point in connection with the police. My own judgment is that there can be no rule, but I would say that it must never be forgotten that all police forces stand in extreme minority as compared to the population, and they are bound to make sure of getting their results from the start in any situation which may get out of hand. I would be interested to see the opinions expressed by your Ministers on the Musaharos case and it is all to the good that it

should be possible for the police officers in the Tirhut division to be able to give so satisfactory a report as that mentioned in paragraph 2 of your letter, and the atmosphere in Muzaffarpur should be what you describe. As for the Congress organisations which you mention in the same connection, I know how fully alive you are to the dangers of a parallel administration, but I quite agree that so long as there is no interference with the police or general administration, and so long as there is no question of functions which would properly fall to the officers of Government being taken over or impeded by Congress organisations, there is not the same reason for disturbance on our part.

3. I am interested in the proposal to which you refer to paragraph 4 of your letter that, in this event of difficulty arising out of land disputes, an investigation should be carried out by junior officers of the Executive Services or possibly by non-officials. My instinct for obvious reason is to lean towards investigation by Executive Officers, and to keep non-officials out of this type of thing so far as possible. For I am sure that the wise policy for us is to continue to keep in the hands of the representatives of government the responsibility for the discharge of work of this character; though, like you, I would see no objection whatever to Junior Executive Officers as distinct from the police conducting a particular investigation.

4. I send with this a copy of Anderson's note 2 of his conversation with Gandhi, which as you will see, he is anxious to have treated as a secret and personal document. The note makes it perfectly clear that no undertakings have been given of a general character, and it emphasises (and this is a point to which I attach great importance) that Gandhi takes responsibility in respect only of the individual prisoners who have given assurance to him. We are thus uncommitted on the main question and the Secretary of State, to whom I referred in our earlier correspondence, replied expressing his entire agreement with the view that we must stand firm as regards insistence on dealing with prisoners individually and on the merits of each case. The direction of pressure, in the circumstances with which we are faced, is of course that represented by the suggestions made by your Prime Minister to you. But I do not think that we need anticipate any difficulty that matters in holding our own; and I propose, with Anderson's concurrence, to send copies of his record to all other Governors personally so that there may be no misunderstanding on their part as to the extent to which these conversations in any way committed the government. I see no reason, either why the recent decision as regards the removal of restrictions on detenus in Bengal need have embarrassing reactions outside since no other Province is faced with a parallel situation; and neither the Secretary of State nor I felt any hesitation about Anderson's action.

5. The Boys Scout discussions up here appear to have gone off quite well, and I am profoundly thankful that we succeeded in maintaining a united front, for I had been very apprehensive before the meeting that there might be a definite split. The conclusions which were reached, and which were of course unanimous, can I think on the whole be regarded as satisfactory.

6. I forget, whether I mentioned to you before that the Secretary of State had been good enough to promise me a memorandum on the position of Parliamentary Secretaries at home which should serve as a supplement to the information contained in my circular letter of the 20th August. I have just received this and hope to send copies of it for the information of Government in the course of a few days. It may, I would hope, in certain circumstances strengthen their hands in dealing with suggestions put up by Ministers.

Yours sincerely,
LINLITHGOW

563

Rajendra Prasad to Nehru on Proposed Legislation Regarding Agrarian Problem in Bihar

AICC Papers, F. No. P-6 (iii)/1937

23 November 1937

After you left Calcutta some landlords of Bihar met me there and wanted me to intervene and bring about a settlement of the agrarian question. As you had all left, I spoke to Maulana Azad and we both discussed the matter with them in a general way. I requested Maulana to come to Patna and to discuss in detail the pending legislation and other matters connected with the agrarian question. He was good enough to agree to my proposal and came here. We have had prolonged discussions with Congress workers, who are interested in the Kisan Sabha and representative Zamindars. As a result of these discussions we have arrived at certain conclusions which we consider to be fair, reasonable, and which can be enforced by legislation. I am enclosing a separate note dealing in detail with the provisions of the Bill and with certain other matters which are not covered by the pending Bill, but which will have to be incorporated in one or more Bills as may be found necessary.

564

*Nazimuddin to Gandhi Declining Permission to Other Leaders to Interview Prisoners**Linlithgow Papers*

WRITERS BUILDINGS, CALCUTTA

24 November 1937

Thanks very much for your letter¹. I am sorry to learn about your indisposition. I hope you will soon completely recover your health.

In our opinion your statement is very fair and we thank you for it. The wording of the Government communique is not perhaps very happy as far as the four months period is concerned. It certainly brings out the Governments point of view, namely that only after the end of four months the question of a large scale release of the remaining detenus will be considered whereas it misleads the public in giving the impression that you will take up the question at the end of four months. But there is nothing in the communique to prevent your coming and interviewing these people before the expiry of four months.

In your letter you have asked that Mr. Sarat Bose should be allowed to carry on the conversation with the detenus in your absence. I would like to make it quite clear that my objection to this suggestion is not based on personal grounds but on the question of principle. Government treat you differently from other political leaders of India and therefore neither your purpose nor Government's object will be served by any one else but yourself interviewing the detenus. After your visit to Hajili, Government allowed Dr. B.C. Roy and Sarojini Naidu to interview the state prisoners. Dr. Roy went there more in the capacity of a physician than a political leader and we made an exception for Mrs. Sarojini Naidu, but, as far as I am concerned, I do not propose to allow any other political leader in future to interview the state prisoners.

I had presumed that personal touch between you and the individual detenu or state prisoners was necessary in order that you might be assured that the individual concerned had become a convinced adherent to the principles of non-violence, following upon a change of heart and as a matter of principle quite independently of personal or political advantage. It was matter then not of bargaining between you. It was necessary for you of course to explain the principles of non-violence and persuade the subject to their acceptance. But so far as the prisoner was

¹ See No. 558

concerned it was a matter of simple statement whether he had reached that position or not. This point of view has a bearing on the question of the correspondence as well as that of interview with the prisoners by persons other than yourself. We should not object to correspondence under sealed cover between you and any state prisoner or detenus provided that it is understood that such letters as you receive are shown to no body else.

As long as I am Home Minister you can rest assured that whatever may be the language of the communique everything that we agreed upon will—*Inshalla*—be given effect to provided nothing untoward happens in the meantime.

I agree with your explanation or implication of the phrase “subversive movement.” The only portion in the letter on which we differ is the reference to the convicted political prisoners. As you are aware, we agreed to take certain steps in connection with the convicted political prisoners. I have issued instructions for action being taken on these lines but beyond this Government are not prepared to go.

I agree with what you have stated in your P.S.

Repatriation will take place according to plan mentioned to you.

Yours sincerely,
K. NAZIMUDDIN

565

Nehru's Circular to Members of Working Committee on Need of a Policy on Vital Issues

Nehru Papers

24 November 1937

DEAR COMRADE,

It is now clear that the A.I.C.C. meeting will not be held in December or January. The great majority of the members are against such a meeting. But a meeting of the Working Committee is very necessary to consider the fast developing situation in the country. I am afraid it is difficult to fix a meeting in December. I am going to Assam tomorrow and shall not be back till the month of December. Muslim bye-elections in U.P., Provincial Conferences and other important engagements will keep some of us busy in the latter half of December. Other members of

the Working Committee are also likely to be busy then. Thus the nearest available date seems to be in the first week of January.

Then about the venue. Originally we would have chosen Wardha to suit the convenience of Gandhiji. But in view of his weak health and the doctors' imperative orders, it seems inadvisable to put this burden on him. I would therefore suggest some other place. If you agree, I would propose Allahabad for the venue. This would have certain obvious advantages.

You are no doubt following with interest, and perhaps with a measure of anxiety, the rapid growth of a situation in the country which seems to be leading to a crisis. There is possibility of a political crisis on the federation issue. There is the communal situation which owing to the efforts of some members of the Muslim League, is taking an ugly turn. There is the increasing agitation in the Indian States from Kashmir to South, comprising all manner of states both big and small. There is the unusual ferment among students. But most important of all is the state of industrial labour and the peasantry. The labour situation is serious and is causing some anxiety in many places. And yet the vital problem continues to be that of the peasantry. If one is to judge from the newspapers, not much is happening in the rural areas. But, as a matter of fact, there is a tremendous awakening and ferment amongst them, and I am inclined to think that this will take the shape of some form of offensive action unless satisfaction comes to them.

All these happenings, unconnected as they seem, can hardly be unrelated. What is the underlying cause? Not surely a few agitators, although agitators may give point to an urge or a struggle. There is obviously a deeper cause. All these indications point to a pre-revolutionary stage of a struggle. The immediate cause may be the formation of Congress ministries which has released the long suppressed emotions of the masses and given rise to the hope of our early deliverance. The real cause is the delay in solving the problems of the masses, and the repression that kept them down having been lifted the problems and the urgent demand for their solution jump to the forefront.

We have rightly tried to curb all this indiscipline and to direct this fresh energy into right channels. We have not wholly succeeded, but it must be said that on the whole the discipline of the Congress has been a powerful factor in this country. Will this discipline hold?

The Congress organisation today has grown vaster than ever and our apparatus to control it and work it—our offices and the like—not big enough for the task. But this is only the mechanical part of it, important though it is.

The real question before us is a more vital one. What should be our basic

policy in view of this countrywide development, a development which we must welcome, except for the indisciplines involved in it? Ignoring it does not help. There are only two ways of dealing with it: the way of repression, and the way of solving somewhat of the problems which affect the masses, and this controlling and disciplining new forces that are growing everywhere.

Obviously the way of repression is not open to us, though we may indulge in it to some extent for specific purposes. We are not experts in this business and we have no tastes for it. In any event we are bound to fail as we are not likely to carry the sympathy of the people with us and without that we are powerless.

The only other way is to press hard and rapidly for substantial relief for the masses, notably for the peasantry, and secondly the industrial workers. Failure to do so will overwhelm us.

I am endeavouring to give my personal reactions in this letter. I cannot discuss the whole complex situation in any detail but I think it is my duty to place before my colleagues of the Working Committee the general trend of my thought.

I am anxious to do so because I see a crisis of considerable magnitude approaching and we must analyse it and prepare ourselves for it. I also feel that some of our provincial governments are too engrossed in their day today problems to give adequate consideration to the basic issues. A recent development in which Congress governments have taken to the use of the Special Powers Act, and of the sedition section of the Penal Code and the demanding of securities from newspapers, even prior to publication, fill me with apprehension. Nobody can doubt that repressive activity must be indulged in by a State on occasions. But that activity fails of its purpose if it results in encouraging the very tendencies it seeks to check. Repression by a Congress government can never succeed except on rare occasions when it is obviously directed to open violence. In other cases it will only fan the flames of discontent.

The use of Special Powers by a Congress government on any occasion gives the final justification for their imposition by the British Government during the civil disobedience movement. It is an invitation to them to use those again when the time for conflict comes, and when they are so used, as they are bound to be, our mouths will be shut and all criticism hushed.

The Batliwala case may or may not have been justified on the merits. But the fact remains that it has shocked large numbers of Congressmen, and has given the fullest justification to non-Congress governments to indulge in repression. So also remand for pre-publication security. What is there to distinguish our governments from the non-Congress governments? Not much so far as civil liberties are concerned.

If we follow this path, and we cannot remain stationary, we must either march ahead along it or choose another path, we shall have to copy the methods of the British Government. We then shortly become their replicas, doing their work and preserving them from the odium of doing it. There is no middle path. So this is a vital question for us. Are we gradually to line ourselves with the forces behind the British Government?

More important still is our agrarian and labour policy and specially the former. There is a tendency to tone this down for fear of estranging the big landlord elements. We do not want to estrange anybody, but when vital issues are at stake and there is conflict between the masses and small groups, we must share the interests of the former. And this not only because we are committed to this policy, but because there is no other way. Any attempt to choose half-way houses will please nobody and will discredit us with the masses.

I have come to think more and more that a brave approach to the agrarian problem is the only way to solve the communal problem. During my tours in connection with Muslim bye-elections in the U.P., I have realised that the only thing that counts with the Muslim rural votes is the U.P. Government's orders staying arrears of rent suits and processes for debt. They are eagerly expecting big things to follow. If these big things fail to materialise, there will be a reaction, and a communal reaction. Apart from the other big things, if it is eventually decided to ask them to pay the old arrears of rent, there will be a roar of protest, and I understand that in effect the arrears will not be realised. Thus it seems to me that all these arrears must be wiped out completely. So also all debts. This in itself will not be enough.

This letter is already very long and I cannot go on. But I hope I have sufficiently indicated what I have in my mind and would like my colleagues to give consideration to it. We are overwhelmed with problems. That is all the more reason why we should see them in proper perspective and spot this real issue.

Yours sincerely,
JAWAHARLAL NEHRU

566

*Nehru to Pant on Ministries Turning Counter-Revolutionary**AICC Papers, Vol. 79*

25 November 1937

MY DEAR PANTJI,

I am leaving for Assam today and am not likely to be back before the middle of December. Before I go I want to write to you and tell you that I am greatly distressed at the turn events are taking all over in India, in so far as the Congress ministries are concerned. In my letter sent to the members of the Working Committee, a copy of which was sent to you, I gave expression to my feelings. That opinion was restrained in expression, but behind that restraint there was an intensity of convictions. If I may put it in technical language, the Congress ministries are tending to become counter-revolutionary. This is of course not a conscious development, but where a choice has to be made inclination is in this direction. Apart from this, the general attitude is static. We dare not be static for that means that we are merely carrying on the traditions (with minor variation) of the previous governments. Indeed we cannot remain static for long for the world is not static. Inevitably the choice has to be made and I fear the choice too often is of the wrong kind.

I am quite sure that the advent of Congress ministries has resulted in a great accession of strength to us. Partly this has, no doubt been due to certain initial measures taken by them, but very largely the change was a psychological one which was vindicated. But we cannot live on psychology or on the reputations of a few good deeds. We have been carrying on for many months now, and we have to show greater results, and now that the time for going forward comes, we show a marked tendency to go back. Of course we can not go back because the movement is too strong to permit us to go back. But in trying to do so we weaken that movement greatly and do exactly what the British Government has been trying to make us do these many years—create a split and get the Congress or part of the Congress to adopt what is eventually a pro-imperialist policy. If this is a likely contingency then the sooner we are out of office the better. I am quite clear that we are better out than in unless we can go ahead much faster than we have been doing. Indeed for present, especially in Madras and Bombay, the question is of not going back.

It may be that I have got the wrong perspective, but I can only think and act according to my own lights. But the issues are too serious to be slurred over.

Yours sincerely,
JAWAHARLAL NEHRU.

567

Secretary of State's Appreciation of Political Situation in India

Cabinet Papers, No. 24/273

26 November 1937

The North-West Frontier. The situation in Waziristan has improved, minor incidents continue but the troops have encountered little serious opposition. In the middle of October a hostile gang of Tori Khel Wazirs and some Afghan subjects captured a Khassadar post on the Mirali-Spinwam road; the troops moved out and engaged the gang in an operation which was completely successful. 3 Indian other ranks were killed and one Indian officer and 12 Indian other ranks wounded. Of the hostile gang, 12 dead were recovered and 8 rifles captured. The whereabouts of the Faqir of Ipi is uncertain, he is believed to be somewhere near the Afghan border in the extreme north of Waziristan. Road construction progresses well and some roads in Shaktu and Khaisora are nearly complete. Troops have advanced into Bhitanni country from the Bannu district; preliminary opposition quickly disappeared and the construction of a road into the heart of the country is proceeding. All the Hindus kidnapped by the Bhitannis have been returned.

2. *The All-India Congress Committee.* The first meeting of the Committee since the acceptance of office by Congress took place at Calcutta at the end of October. Thanks to the influence of Mr. Gandhi in the preliminary meetings of the Working Committee the resolutions passed represented, on the whole, the views of the Right Wing, but the proceedings showed the increasing strength and aggressiveness of the socialist opposition. While the permission given by the Working Committee in July for acceptance of office was duly ratified, there was a strong disposition, with which Nehru is known to sympathise, to assert the right of the Ministries, several of which found themselves on their defence for their slowness in giving effect to the Congress policy. In particular, the Madras Ministry came under severe criticism for its

sanction to the prosecution of an agitator for sedition: but after a general discussion on law and order the action of the Madras Ministry was approved and the principle was affirmed that direct incitements to violence could not be tolerated.

The discussion had some value in drawing public attention to the impossible situation in which ministers would find themselves if they were subjected to constant interference in details of their administration, and it is likely that an attempt will now be made to define more clearly the scope of their freedom of action, more particularly in matters of law and order.

No other very notable decisions were taken at the meeting, a discussion on the possibility of preventing the elections to the Federal Legislature proved discouraging and the resolution passed merely reaffirmed the hostility of Congress towards Federation without indicating any definite plan of action. The Left wing managed to secure the passing of a resolution with reference to the recent happenings in Mysore, asserting that the people of British India should combine with the people of the States in the struggle for freedom, but this was contrary to the general policy of the Congress, and Mr Gandhi has since disavowed it.

Another resolution was passed stating that, while Congress disapprove of the Communal Award, they do not intend to alter it save by common consent. This was apparently meant to pacify the Moslems but is discounted by the fact that Congress show no signs of slackening their "mass contact" movement for the enlistment of Moslems.

3. *The Muslim League.* An important meeting of the League was held at Lucknow in the latter part of October. Mr. Jinnah, the President, uttered a strong indictment of Congress, affirming that their leaders had alienated the Moslems by pursuing an exclusively Hindu policy and indicating that the results will be class bitterness, communal war and the strengthening of the Imperial hold over India. He declared that Moslems can expect neither justice nor fair play under Congress Government and that no settlement between them is possible.

The Premier of the Punjab announced his decision to advise all Moslem members of the Unionist Party in the Punjab to join the League and sign its creed. This move was as surprising as it was important, as previous approaches from Mr. Jinnah had been turned down by the Unionist Party. The Bengal Premier subsequently issued a similar statement of adherence to the League. The League has undoubtedly gained strength as a result of these decisions and is making rapid strides in extending its organisation. The result may be to accentuate communal bitterness, but the appearance in the political field of a new and powerful All-India Party would do much to qualify the

monopoly, which Congress by the virtue of their superior organisation have hitherto enjoyed. In the meantime, in order to compete with Congress for the support of the younger section, the League has agreed to adopt "full independence" as its aim. A resolution expressing disapproval of the scheme of All-India Federation was also passed, and another condemning the proposed partition of Palestine.

The first real struggle between the forces of Congress and the League was the by-election at Bijnor in the United Provinces, where a Congress Minister (who had been originally elected on the Muslim League ticket and had resigned seat on going over to Congress) stood in opposition to a League nominee. The result was a convincing victory for the Congress candidate. It is stated that the communal issue was not prominent; the superior organisation of Congress and the Minister's personal influence were responsible for his success. Three more by-elections are shortly to be contested between Congress and League candidates in the United Provinces.

In the Punjab there was a certain amount of uneasiness amongst the Sikhs and Hindus over the pact entered into by the Premier with the Muslim League. Indications are that the agreement will have little effect on the Government following in the Legislature, though it is likely to draw more closely together the opposition elements. Possible effects are greater solidarity within each of the three communities, and a clear demarcation of forces hostile or favourable to Congress.

Communal. The great Hindu festival Dussehra passed off peacefully in most provinces, although there was communal tension in Bihar and in the Punjab, where a number of minor incidents occurred; a serious outbreak occurred in Jubbulpore in the Central Provinces where assaults and rioting resulted in injuries to about 120 persons; the authorities controlled the situation and there has been no further trouble.

5. *Law and Order.* The subject of the release of political prisoners and detenus and of prisoners repatriated from the Andamans is still being pursued by Congress. As a result of discussions between Mr. Gandhi and the Bengal Ministry, the latter have now agreed to accelerate the policy of the release of detenus. The existing restrictions on 1,100 persons now on probation are being removed at once, and cases of others will be examined in the near future, provided the present improved atmosphere is maintained. Mr. Gandhi has promised to co-operate in this work by interviewing and obtaining assurances from individual detenus.

Two terrorist prisoners have been released in Madras and 15 in Bihar. The Bombay Government have released 6 prisoners who were sentenced to transportation for life in connection with the riots in 1919, and have cancelled certain bans against communist organisations; but they have made it clear that they intend to ensure an atmosphere of non-violence

and that, if attempts are made to endanger the peace, they will carry out their duty of maintaining law and order. In the United Provinces the efforts which have been made for some time past by less responsible elements of Congress in combine with local communists to demoralise the police, culminated in an "anti-police day" at Cawnpore on October 24th. Violent speeches were made at public meetings, including incitements to murder the police. While such demonstrations are not countenanced by the Ministry, or even by Nehru, the Ministry appear to be afraid or unwilling to use their power to curb these activities which, following a period of particular anxiety and difficulty, must have an unsteady effect on the morale of the police.

6 *The agrarian situation.* The relations between tenants and landowners, and the widespread agitation which is being worked up, largely by Congress extremists and Communists... cause for anxiety. The tendency to withhold payment of rent is spreading. In Bihar, police had to be sent to one district to restore peace; in Bombay peasants are demanding an immediate moratorium. The Minister has explained that this is at present impossible. In the United Provinces the landowners are up in arms against the Congress Government and at a conference at Lucknow they condemned the Ministries' policy of allowing Congress interference in the administration. In this province also, tenants are said to be adopting violent methods to re-occupy land from which they have been legally ejected.

7. *Communists and Labour.* Communist agitation amongst labour has succeeded in bringing about more strikes. The threat of a general strike still hangs over Bombay and communists have been creating unrest amongst the textile workers in Khandesh with a view to enlisting their aid in Bombay; they also engineered strikes in Ahmedabad, Sholapur and Kalyan. In Cawnpore the situation has not improved; the more moderate elements have lost their influence and mill committees practically control labour. The threatened strike of the Electric Supply Corporation in Calcutta has not materialised, the Union officials having persuaded the workers to await the findings of the Negotiations Committee.

An interesting explanation of the intentions of the communists in India has been made by one leader who stated that they will be trying to get a majority in the Congress party and then eliminate the more moderate "Gandhi element". Owing to the removal of restrictions on the press in the United Provinces, communists have adopted a policy of publishing newspapers in this Province to escape the restrictions enforced in others, e.g. the Punjab.

568

UP Governor to Viceroy on Action Against Ex-Kakori Prisoner Parmanand

Haig Papers

27 November 1937

TELEGRAM

On my return to Lucknow I found that further tour in west of the province had been undertaken by Parmanand and the ex-Kakori prisoners and that further speeches of a dangerous kind were being made. In particular I have received details of an outrageous speech made by Parmanand at Dehra Dun inciting to violent revolution and revolt against the British and seducing of troops. I decided that it was necessary to prosecute Parmanand without further delay. I put my views to the Premier yesterday evening, but he pleaded in accordance with his general policy for a preliminary warning, which unfortunately owing to Parmanand being constantly on the move had not been conveyed to him in accordance with Cabinet decision taken about a fortnight ago. I told him that it seemed to me that warning was useless in such a case as this and that immediate prosecution was necessary. It was decided to bring the matter up at a Cabinet meeting this evening. I put the whole case for prosecution both in detail and in principle very fully before the Cabinet. They listened with great attention to my general arguments but evidently felt that they might be considerably embarrassed by taking such action and that public opinion would be against them, and urged again that a warning should be given in first instance. I told them that with a full sense of my responsibility and their position I urged them strongly to take this action. They said that they felt they could not do it. I then said that my own special responsibilities placed a definite obligation on me to see that this action was taken. They did not demur to this and an order was issued that subject to the necessary legal examination, result of which I think may be taken for granted, the District Magistrate of Dehra Dun will be ordered immediately to institute prosecution. They did not indicate what will be their line before the public, though we did just touch on this point. I do not think they have yet made up their minds. But we parted on friendly terms.

569

*Gandhi Seva Sangh Resolution Combating Tendency of Violence
Among Workers*

Harijan, 27 November 1937

The Executive Committee of the Gandhi Seva Sangh met last week at Wardha, and after careful consideration of the situation in the country passed the following two resolutions:

1. Resolved that it is necessary to serve industrial workers in an organized manner under the auspices of the Gandhi Seva Sangh in accordance with the principles and objects of the Sangh. As this is a wide and important activity, it is resolved that an independent committee should be appointed for the purpose. With this end, a committee consisting of the persons mentioned below is appointed, with permission to co-opt more members from amongst the members of the Sangh of any class. The said Committee will carefully consider the interests of industrial workers, and in accordance with the principles of the Sangh organize them for safeguarding their economic and other interests, render service to them, train workers for the purpose, and will exercise all necessary powers to frame rules, collect funds and do all necessary acts. The Committee will submit a report of its work and accounts to the Executive Committee every year.

Names of members: Sardar Vallabhbhai Patel, Babu Rajendra Prasad, Sjt. Gangadharrao Deshpande, Sjt. Shankarrao Deo, Acharya Kripalani, Dr. Prafulla Chandra Ghosh, Sjts. Jairamdas Doulatram and Shankerlal Banker (Secretaries).

2. The Executive Committee of the Gandhi Seva Sangh considered the present situation in the country. While recognizing and appreciating the evidence forthcoming from Bengal and elsewhere of renunciation of faith in terrorism by many of those who at one time had that faith, the Committee feels that there have been recent indications in some parts of the country of abuse of civil liberty and of attempts to undermine the national belief in non-violent methods for the achievement of the country's freedom and to weaken the atmosphere of non-violence which has been growing during the last sixteen years. The Committee realizes the great harm to the cause of the masses which is likely to follow these attempts. The Committee therefore urges upon all the members of the Sangh the necessity of making every effort to counteract these attempts, and to this end take active interest in the Congress and other organizations within their sphere of work, and see

that the atmosphere of non-violence now generally prevailing in the country is maintained and strengthened.

The second resolution, to our mind, is the main resolution and the first is a necessary corollary to it and suggested by the widely spreading trouble in the Ahmedabad mill area. Gandhiji has drawn pointed attention to the gathering clouds, in his articles in the last two weeks' *Harijan*, written in spite of his serious illness, and the resolutions may be said to be in response to the two articles. It will be remembered that in his memorable speeches during the Gandhi Seva Sangh Annual Session at Hubli in April last, Gandhiji told the members that their duty to take active interest in the politics of the country was doubled because we had sent our representatives to the legislatures. With the Congress decision to accept offices, the duty was, if possible, trebled in as much as the whole success of the Ministers depended on the co-operation the public could give them. The co-operation did not end with our having sent them to the legislatures. It really began with it, and the moment we decided to accept offices, we decided to share the burden with our Ministers.

The other day we heard of a frustrated assault on Mr. Hafiz Muhammad Ibrahim, the Muslim Minister in U.P. who was returned to the Assembly with an overwhelming majority; and only a few days before that some hooligans in Surat actually spat on Mr. Nurie, the Muslim Minister in Bombay. We are told the Magistrate of the District was ready to arrest them, but the Minister acted with becoming restraint and presence of mind and defied the hooligans to do their worst.

The Ahmedabad labour unrest is also a pointer. There have been cases of assault and intimidation, and a press report says that an attempt was made on the life of the Secretary of the Labour Association. The strike was started by the Red Flag leaders, knowing that the Textile Labour Enquiry Committee appointed by the Government of Bombay has already begun its labours. The Committee has powers to make interim recommendations, and its terms of reference are extensive enough to include the case of every unit, occupation and centre in the Presidency. Do the Red Flag leaders care nothing for the principle of arbitration on which rest the good relations so far existing between the millowners and the labourers built up after twenty years' patient work by the Textile Labour Association? Is the Red Flag to be the symbol of violence, or of the liberty of the have-nots?

Then we hear of irresponsible speeches by so-called Congressmen addressed to innocent Kisans, instigating them to plunder and loot and violence.

How long will those who swear by non-violence sit supine and watch the flames of conflagration spreading everywhere? Active or insidious

violence can be met only by active non-violence, and those who swear by the Congress programme based on truth and non-violence should bring their creed into full operation. Congressmen who have the interests of the Kisans at heart and who know that their grievances cannot be redressed except by non-violent methods, must go to the Kisans, tell them that those who misrepresent the Congress and incite them to acts of violence are no Congressmen and that they should not listen to them. Every Congressman must interest himself in the cases of labour unrest arising at different places and work for peace even at the risk of his own life. Even the Ministers know that their strength does not depend on the police or the military but on their readiness to restore peace, if need be, at the risk of their lives. It is a task which everyone who swears by truth and non-violence has to take up without flinching.

As for the zamindars and the millowners and all those whose interests are supposed to conflict with those of others, their principal interest, in common with that of everyone else, is the maintenance of non-violence. They must do everything in their power to employ non-violent means, e.g. the sovereign principle of arbitration for the settlement of all disputes. Success of non-violent action depends upon the progressive measure of relief that it brings to the exploited and the oppressed. It must not be forgotten that those who are stirring up violence also do so in the hope of quickening the pace of progress. Believers in non-violence have to be resourceful enough to demonstrate in actual practice that their method is the quickest. God of Ahimsa or Love helps the ever-watchful.

Congressmen should realize the supreme duty of fulfilling the constructive programme. The whole of it has been conceived in the interests of the exploited masses. It has been often pointed out by Gandhiji that the success that we have achieved in the fight for freedom has been in proportion to the success we have achieved in carrying out the constructive programme. Prosecution of the constructive programme in Bengal is the readiest means of providing bread and butter and national service for the detenus that are being released.

NOVEMBER 1937

1203

570

*Pant to UP Governor for Using Special Responsibility in Ordering Action
Against Parmanand*

Haig Papers

LUCKNOW

28 November 1937

DEAR SIR HARRY HAIG,

We regret that in spite of the full, free and frank discussion between us we could not reach conclusion that would be acceptable to you and to us as regards the method and procedure to be adopted in dealing with Pandit Parmanand's case.

You were good enough as usual to give us full opportunity to place our point of view before you as well as to tell us what were the reasons that weighed with you. But you felt that the matter came within the purview of your special responsibilities and that in the circumstances in which we were placed it was incumbent upon you to take immediate action in the manner you considered necessary, even after taking into account all that we had to say.

I do not consider it necessary to reiterate what passed between us at the Cabinet meeting last evening or on the day preceding when you were pleased to discuss this matter with me.

I did not consider it fair to hamper you in carrying out the decisions at which you had finally arrived as we were not prepared to share the responsibility for that decision. We are anxious not to precipitate a crisis or embarrass you, but your decision gives rise to issues of a far-reaching character. The matter is naturally engaging our attention.

We are, however, not in a position to take or anticipate any final decision in the matter at this stage and have to consult others to whom, according to our constitution, a reference will have to be made on occasions like these.

I wish I had talked with you all this but, as it is not possible, I feel it my duty to write.

Yours sincerely,
G.B. PANT

571

*Ewart's Note on His Visit to Lucknow and Kanpur (Extract)**Zetland Papers*

28 November 1937

I have spent a day in Lucknow and a day in Cawnpore during which I discussed the position in the United Provinces, both in general and in particular aspects, with His Excellency the Governor and his Secretary, the Chief Secretary, the I.G. of Police, the Central Intelligence Officer, a Range D.I.G. of Police, an officer of the C.I.D., the Collector and Superintendent of Police, Cawnpore, a group of eight leading Europeans of the Cawnpore mill industry, and several other persons. I have seldom found it more difficult to draw clear conclusions from such a series of interviews. Nevertheless, I am quite clear in my mind as to the main features of the problem which the United Provinces present.

2. Everybody agrees that the Government is not governing and that as a necessary consequence, the administrative services are deteriorating. Everybody also agrees that the burden of Ministerial responsibility is carried by Pandit Pant alone (with some increasingly useful assistance in her own sphere from Mrs. Pandit). Everyone agrees that it has not yet been possible to induce the Premier to face up the realities and to take action to control subversive and demoralizing influences, and that the resulting situation is dangerous. It is further agreed that the strength of the Police force, especially in the matter of centrally controlled reserves (which are practically non-existent) is inadequate for dealing with widespread agrarian unrest or with simultaneous disturbances in several large towns. Opinions differ as to whether there is reasonable ground for expecting that the Premier can ever be induced to make a positive declaration of his intentions to maintain law and order and to make necessary action in support of such declaration, and as to how much time can be allowed for the instructional process without deliberately risking an acceleration of the processes of deterioration to the point of loss of control. The division of opinion is, with the exception of His Excellency the Governor, fairly clearly marked as between the Secretariat and the Executive, in between came the Central Intelligence Officer and the Provincial Special Branch who are cognizant of both points of view. I have tested the information and opinions of the latter officers by a particularly searching interrogation, and I find that, with a full realisation of the Secretariat point of view, they are still so convinced of the dangers to the administration of the Province at large of the present

indefinite state of drift that they quite positively support the point taken by the Executive Officers of districts. The Secretariat view which is shared by the I.G. of Police (very recently returned from leave with no up-to-date knowledge of the actual events in the districts) and the D.I.G., C.I.D., who is somewhat notoriously cranky, is that Pandit Pant is a sincere and honest man honestly trying, in face of great difficulties to be fair to everybody and to administer according to ideals which are variously described as those of the Gladstonian liberal or of Mr. Lansbury, and that if he is handled carefully and given plenty of time, he could keep control of his heterogeneous party. The views taken by the Districts Officers of proved ability in the person of Mr. Owen, the Collector and Mr. Pearce, the Superintendent of Police, of Cawnpore, and shared by the European businessmen of that city, who, whatever their defects, have had considerable opportunities in recent months of forming first-hand opinions of the Premier's character, is that Pandit Pant is an incorrigible visionary, and that there is little or no hope of time, persuasion and experience causing him to act according to the demands of realities. It follows logically from the latter view that the sooner the universally admitted deterioration is arrested by however drastic means, the better but this logical view is qualified, in the case of such responsible opinion as that of Mr. Owen, by recognition of the fact that there is no alternative to the Premiership of Pant except the assumption of complete control by the Governor. The latter alternative might have the extremely serious effect of driving both the dangerous revolutionary wing and the present Ministry and its supporters into opposition on a common front of mass action. I have mentioned earlier that His Excellency the Governor is an exception to the clear cut division between the two schools of thought. The reason is that which I have just stated. His Excellency realises fully the grave effect of a breach with Pant. He feels that he has general support in the opinion that Pant can perhaps be led, but certainly cannot be driven; he has formed a careful estimate, as a result of extensive touring, of the extent to which administrative deterioration has gone, and I think that I interpret him correctly as feeling that it is in all the circumstances both safe and wise to allow more time for efforts to bring the Premier in a more assertive frame of mind.

3. On the side of time and persuasion the chief argument really is the serious consequences of a break, which those most intimately associated with Pant think bound to result from unyielding pressure at this stage. In support of the belief that he may be brought to face up to his responsibilities, the facts which I have been able to gather are that Mr. Horton, the present I.G. of Police, who has known Pandit Pant for many years, seems to have got on very much better terms with him than

Mr. Philips who was acting in Mr. Horton's absence, and will thus be able to apply his course of instruction in realism with better hopes of success. Also Pandit Pant appears to have given a distinctly favourable impression in a informal talk and discussion which he had with a conference of I. G. and D. I. G. of Police on November 26th; in the course of this discussion he stated that he was learning everyday more of the conditions under which the Police had to work and of the value and importance of that work. I was impressed by the opinion of Mr. Weymouth, the D. I. G. of the Allahabad Range of some 15 districts and of a Muhammadan Deputy Superintendent of Police, that police officers are feeling on the whole less apprehensive than they did in August. Mr. Wymouth expressed the view that the loudest complaints about Congress interference from the Police came often from bad officers, and that the better officers, both in the higher grades and subordinates, are adapting themselves to changed circumstances with considerable success and were getting help instead of hindrance from responsible Congressmen. Further consideration and enquiry regarding these opinions somewhat qualifies their significance, I feel little doubt that such lessening of apprehension in various grades of police officers in districts is due mainly to relations being less bad than they had at first expected, when anticipation of widespread victimization of individual officers was much more prevalent than experience has justified; moreover, the fact that police in rural areas are now getting help from the local Congress M.L.As and other prominent Congressmen is potentially an element of danger; for it may safely be assumed that such assistance is given for a *quid pro quo*, viz. the support of police influence at the next election.

4. In support of the view that administrative deterioration is widespread and serious and that nothing has been done to check it or to control the demoralizing influences, the array of facts presented to my notice is far too lengthy to enumerate. There is no doubt that the prestige, but not loyalty and hitherto not the morale of the police, has everywhere been affected. In the case of the Revenue establishment, there seem justification for thinking that politics have actively influenced deterioration. Mr. Owen mentioned that in his own district (Cawnpore) very recently a tehsildar had had to be removed at a few days notice to another district for having flagrantly falsified the crop assessment of his tehsil in favour of tenants with clear object of winning favour in Congress circles, and the Patwari establishment had made direct representations to the Ministry regarding their condition of service and demanding increase of pay. I was not favourably impressed with the representatives of the European industrialists whom I met, but they have undoubtedly gone through difficult and discouraging times during which they have gained concrete experience of the new system of

Government and of individuals connected with it. They were impressed by the fact—admitted by the District Magistrate to be a deliberate policy necessitated by present circumstance though thoroughly distasteful—that the police are holding back from interference in the activities of unruly crowds so long as they stop short of violence, and talk of being forced to take the protection of themselves and their property into their own hands by raising bodies of armed guards or special constables. Dominating their views is a distinctly critical opinion of the attitude of His Excellency the Governor and a firm conviction that nothing practical can be expected of Pandit Pant. Mr. Pearce, the Superintendent of Police, Cawnpore, is a very level-headed officer who had done splendid work; he is very far indeed from being disheartened, and everyone acknowledges that he has kept the efficiency and moral of his Force at a high pitch. Nevertheless he sees little that is encouraging in the situation and, like others, can give no answer to the question: How can the present methods be allowed to prevail without disastrous consequences? Mr. Owen speaks with an obvious sense of responsibility as well as with an outlook founded on practical experience. He is supporting a burden which nothing but direct contact enables one to appreciate. He is taking on himself responsibilities which should be those of the Provincial Governments, but which the latter refuse to shoulder, and he is going against all his training and instincts as an administrator in order to give the maximum chance to the Ministry to make good. Under these almost intolerable conditions he is administering a charge which, in addition to the town and industrial area of Cawnpore, comprises a rural population of one and a half millions among some of whom scarcity conditions are assuming ominous proportions. He has preserved remarkable serenity in the circumstances, but admits that conditions may well arise under which he would find it impossible to continue to serve: among other things he quite seriously fears the victimization by insidious means of certain of his most loyal and efficient police subordinates. I cannot avoid qualifying what I have said earlier in the note about the good relations which Mr. Horton, the I.G. of Police, is establishing with the Premier by the opinion, which I have derived largely from others, that he is unwarrantably optimistic and insufficiently sympathetic towards the position and difficulties of the officers and men of his Force working in the districts; unfortunately Mr. Horton is to an exceptional extent a “headquarters” man with very little district experience. This is an example of the general position and is illustrated by the fact that so responsible a person as Mr. Owen expressed the view that officers in the comfortable detachment of Secretariat posts had no appreciation of conditions under which officers in the districts were working.

5. Influencing all these impressions is one more impression that I have clearly gained; that is, that Pandit Pant instinctively avoids any action which might attend anybody and that he has not hitherto been amenable to the intensive instruction by his official advisers as has been the case, for instances in Bombay, with the notable effect of compelling the Bombay Ministry to face realities. It is very noticeable that the utmost which Pandit Pant has done is to remonstrate privately with individual extremists. He has neither made any public declaration of an intention to control extremist activities, nor has he published any condemnation of undesirable actions—e.g., the Anti-Police Day. Just as he tries to secure a simple passage for himself among the extremists by privately placating them, so he allays official apprehensions by occasional sympathetic talks, but he rarely, if ever, commits himself to a formal or public statement by which he could be held to his pledges.

572

*U P Governor to Viceroy on Showing no Resilience in Action Against
Parmanand*

Haig Papers

29 November 1937

TELEGRAM

In continuation of my telegram No. G-81, dated November 27th, I should explain that when we reached an impasse I had suggested that the Premier should consider the matter further and that we should discuss it once more as soon as we were able to meet. The difficulty was that we were both going on tour at once. But I said I was willing to discuss again on the 2nd December when I returned to Lucknow and that I could even wait till the 4th December when the Premier would be back without disturbing his tour programme. He said however that it appeared that neither of us was likely to change his mind and that as I attached importance to early action he did not think he would be justified in asking me to wait for further discussion. It was at that stage that I said that I felt my special responsibility placed on me an obligation to see that the action was taken.

2. On the night of the 28th when I arrived at Cawnpore I found the Premier at the station as he was also passing through and he had specially

arranged to see me. He brought me a letter dated November 28th which he had intended to send me, but having an opportunity of speaking he said he was anxious to explain it personally so that I should not get any wrong impression. After referring in courteous terms to our discussion and failure to reach a conclusion acceptable to both of us, the letter proceeds—"I did not consider it fair to hamper you in carrying out the decisions at which you had finally arrived, as we were not prepared to share the responsibility for that decision. We are anxious not to precipitate a crisis or embarrass you, but your decision gives rise to issues of a far reaching character. The matter is naturally engaging our attention. We are however not in a position to take or anticipate any final decision in the matter at this stage and have to consult others to whom according to our constitution a reference will have to be made on occasions like these."

3. Pant explained that he was anxious that I should not regard this letter as a threat, and it is perhaps significant that he made no request that action should be postponed pending the consultation about his own position. His attitude was perfectly friendly as before. He explained to me that normally they would have wished to consult Nehru, but he is away. Under the circumstances they feel bound to consult the Committee which is charged on behalf of the Working Committee with the supervision of U.P. affairs. This consists, I understand, of Vallabhbhai Patel, Abul Kalam Azad and Rajendra Prasad, and he is asking them to come to Lucknow as early as possible so that he could consult them personally. He preferred not to write. On the other hand he did not think they would be able to come very soon. He would if necessary return to Lucknow before the 4th December to meet them, but he seemed to think they might not arrive much before then.

4. My own reading of the situation is that the Cabinet feel they could not acquiesce in this action without getting sanction of the Working Committee. But I feel sure that the last thing they would desire to do would be to resign and that they would only take this step if it were forced upon them by the Working Committee. No attempt has been made by Pant to ask me to reconsider my position and he clearly does not intend to use the threat of resigning as a weapon. Subject to your instructions I propose to maintain my position unaltered, and though the issue of actual orders for prosecution may in any case take a few days, I should propose to take that action when the case is ready and not wait for the result of the consultation with the Working Committee members. Indeed one could not resile on a threat of resignation and this Pant clearly recognizes.

573

*Zetland to Linlithgow on Implications of Increased Congress Activities in States
(Extract)*

Zetland Papers

29 November 1937

In paragraph 14 of your letter November 11 you refer to increased activity which has been displayed by Congress in recent times in the native States. It has certainly been noticeable and it is difficult to foresee what effect this will have upon Princes themselves. I am inclined to think that it is possible that it may dispose them to agree to enter the Federation without undue delay on the terms which they are able to obtain from us, since they will be likely to realise that if they postponed decision unduly the terms offered to them in the future will not be likely to be as satisfactory from their point of view as are the terms which they can obtain now.

574

Nehru to Rajendra Prasad on AICC Resolutions

AICC Papers, F. No. RP/PSF (1)/1937

29 November 1937

DEAR COMRADE,

You must have seen the comment of Gandhiji on the A.I.C.C. resolutions, notably Masani's resolutions and the Mysore one. He has stated that these resolutions violated truth and non-violence and the Mysore resolution was *ultra vires* of the A.I.C.C. Opinions will no doubt differ on the merits of these resolutions. But apart from the merits, the criticism is about truth and non-violence and about the legality of one of them. As chairman of the committee I am naturally concerned and if the criticism is justified, I acted erroneously. I want to understand this and to find out where my error lay. I wrote to Gandhiji immediately on the publication of his article but unfortunately he has not been well and the message he sent me in reply did not clear doubts. I am receiving numerous letters on the subject asking for my

opinion and I do not know what to say in reply. Unless I am convinced to the contrary, I must hold by my previous opinion and act according to it whenever opportunity arises.

I am greatly exercised over this matter and at one time I thought of issuing a press statement. I drafted this on my way to Assam but later decided not to issue it. I am however sending you a copy of it with this letter.

I shall be grateful if you could let me have your views on the two points raised. I need not add that I do not want views on the merits of the resolutions.

Please mark your reply 'personal' and send it to Anand Bhawan, Allahabad. I expect to be back on December 13th.

Yours sincerely,
J. NEHRU

575

Patel's Speech at Kurai Emphasising that Real Power Lies in People

Gujarat State Archives, Huzur Political Office, F. No. 130 (Confid.)

30 November 1937

BROTHERS AND SISTERS,

I had many difficulties in coming over here today, but your pressing invitation forced me to do so. I have come to you from Haripura where the next Congress session is to be held and where a lot of work awaits me. A whole city accommodating four to five lakhs of persons is to be temporarily created on the banks of the Tapti. Leaders and representatives of the Indian nation will assemble there to discuss the question of country's salvation. Upto now Congress sessions were being held in cities, but fifty years of experience taught the Congress leaders that India was living in villages and so long as the agriculturists and labouring classes did not come into direct contact with the Congress but lived in a state of poverty, ignorance and fear, it was not possible to attain India's salvation. They have, therefore, resolved to hold its sessions in villages and it is a matter of good fortune for you that its session is to be held this year in Gujarat. Those of you who wish to attend it should hold themselves in readiness from now. In this country, numerous people go on pilgrimage to Pandharpur, Benares, Brindaban and also attend such things as Kumbha Mela. The Congress session is, however, a National

“Mela” (fair) and those who attend it, imbibe ideas of duty towards their motherland.

I do not know exactly what your problems are. The difficulties experienced by agriculturists are, however, the same all over the country and I being an agriculturist myself, can guess what they can be in your case.

In India, millions of farmers toil night and day; yet the Indian farmer is the poorest man in the world. His case is without parallel. He lives in a land on which Nature has bestowed all her blessings. It has a bracing climate and a fertile soil; it has numerous rivers and mountains. And yet millions in this land do not get even one meal a day. They simply drag on their existence. All this is the result of two hundred years' bondage. Foreign rule has changed the face of India. Just as the waters of the rivers flow towards oceans, India's wealth is flowing into foreign countries. Formerly people used to live for hundred years in this land. Now we see child widows everywhere. We see infants and young men dying before our eyes. Yet we are not moved by these things. We never reflect who is responsible for such a state of affairs? All things considered, I am of opinion that we ourselves are responsible for it. If there is foreign rule in India, we must blame ourselves i.e. our forefathers for that. That we allow that rule to continue is our share of the blame. That five lacs of people should rule over three hundred and fifty million is a monstrosity which cannot be found anywhere else in this modern world. These three hundred and fifty million include even big kings—the Rulers of Indian States. These Rulers are rulers in name. They may be good or bad, but the real power is in the hands of foreigners. All these rulers are subordinate to a Sovereign in England. This Sovereign is their Over Lord but his powers are limited by his people. He occupies a throne and wears a crown; but it is a throne and a crown given by the people. The people not only fix where he should reside but they also sanction his food expenses. The people dictate to him what woman he should marry. If he wants to marry a woman of his own choice, he has to renounce the throne. On the contrary, there are kings in India who have two hundred, four hundred and even five hundred queens in their harem. These kings have to maintain a register showing the names of their queens, lest they might forget their names. Fortunately your Ruler is a benevolent, enlightened and broad-minded man. In spite of some complaints against him, he occupies an honourable and topmost place among the Indian Rulers and we can expect much from him.

India is divided into two parts—British India and Indian India. This division is not real: it is only artificial. There is no difference in the condition of their people. The agriculturists in the one are as much tyrannised over as agriculturists in the other. The kings can do much to remove this tyranny, but the ultimate remedy lies in our hands. I,

therefore, tell the farmers of India and particularly those of Gujarat that forget your kings and their power. The power of the kings is determined by the power of the people over whom they rule. The people always get the rule they deserve. If the people are powerful enough, no State can ignore their demands. Before Mahatmaji came to India, the Congress was there. It was, however, a petitioning body. It only passed pious resolutions. He came and made the people conscious of their power. The nation opened its eyes and the Government knew that they cannot have things all in their own way. You have seen this in the case of Bardoli taluka. When the Bardoli farmers did not get justice in their land revenue case, they all combined and challenged the Government and the Government had to yield. If you also want justice at the hands of your Government, you must combine and acquire power for yourselves. It is not necessary to cross the path of Government to obtain this power. The present-day Indian Rulers feel that their position is in danger. They are justified in their fear. The kings who will not now derive their power from the will of the people, will lose their thrones. Such kings may carry on for a while, but ultimately they shall have to go. When the people realise their power, the Rulers are only toys in their hands. The Indian people do not yet know their power. They feel that they are impotent. The agriculturists feel that they are poor, that they are ignorant. But I say "How can farmers, who feed the world, be called poor?" It is an anomaly. The farmer is a man who commits the least possible sin in this world. He toils to grow his crops. He does not live on the labour of others. How can he then be so very miserable? Because he does not know his own power. On the day that he will realise his strength, he will be happy. To do this, one thing is of course certain, You must give up all fear. Men must know how to defend men's rights and men can only defend their rights when they become aware that they are men. When they know this, they will shed all fear.

What is the Indian afraid of? It is said that he fears death. But I say that the man who fears death is no man at all. No man is yet born immortal. If anything is born with man, it is death. Then why are you afraid of it? The cause, manner and time of every man's death are pre-destined by God. If you are not destined to die today, all the bullets of a sovereign can't kill you. Only sinners need fear death. The farmer has no time to commit sins. His mind is engrossed on the question of his maintenance. Why should he then fear? On the contrary, he should understand that if he prefers to live in a penniless and dishonourable condition, he will forego his rights as a man. I, therefore, advise farmers everywhere I go that they should understand their rights. If they do this, then only shall they expect the kings to listen to their complaints. Powerful people alone can compel kings to change the manner of their rule. Congress wants to pour this power into the people. It is an institution for evolving

organised power. It wants to evolve power not only in British India but also in Indian India. It has of course certain self-imposed limitations in the task. The policy it wants to pursue in British India is different from its policy towards Indian India. It does not want to involve itself in Indian State affairs as far as possible.

You do not do any work for four months in the year. Your state should provide work for you during these months. When Mahatmaji came to India, he told people that their wants were very few. If then you have few wants, why do you buy clothes from mills? You must prepare your cloth just as you prepare your food i.e. in your own house. You produce cotton. Then why do you go to merchants to buy cloth? The result of our action is that the village spinners and weavers have become workless. It has made our villages poor. God has given you hands and feet. You do not want to use them and so you have become indifferent. The result is that the country is faced with starvation. You must, therefore, make your villages self-supporting. You can do this yourself. No State aid is necessary for this.

Youngsters talk of rebellion; but talkers can't be rebels. You must know your duty if you want to be happy.

During British rule, all our necessities of life began to be gradually supplied from England. The foreigners who first came from England took down photographs of spinning wheels and weavers' handlooms. They copied these models in manufacturing their machines, erected factories and began to produce and export cloth in large quantities. They cut off the thumbs of our weavers and ruined our industries. This is only one item. The same applies to other necessities of life. You think that they have given us English education, that you should take that education. But we try to forget our foreign education. We think that we have committed a mistake in taking that education. The young men of this country spend four to five crores of rupees every year in taking foreign education and then hanker after service. They have no liking for manual work. They forget their mother-tongue and consider their parents to be fools. Their whole mentality is to be changed. The Congress wants to do that.

In the ensuing session of the Congress, we are going to have an exhibition of cows. We call cow our mother, but we do not find any cows now-a-days in villages. Buffaloes have taken their place. You must, therefore, begin to keep cows.

You are farmers. The chief economic problem for you is the problem of land revenue. But people are forbidden to approach you for solving that problem. The king thinks that agriculturists are his property. The agriculturists think that the king is their father. It is however not so. The king is a servant. He is a servant of the agriculturists. You should never forget this. Agriculturists should be men of courage. But I know that

you have none. If I use strong language here, some local officers will harass you. I don't want, therefore, to do that. The only thing I want to tell you is that unless you become real living men, you won't succeed.

Who are those that are sitting there? Are they Harijans? If so, what shall we do for them? We must give them justice. If we do not give them justice, we have no right to ask for any. Unless we treat them as our brothers, we have no right to ask for Swaraj. He who wants to keep others in slavery cannot chafe at his own slavery. Mahatmaji has repeatedly said that untouchability is the greatest blot on Hinduism. His Highness the Maharaja Gaekwar has laboured much to remove this blot. We shall be failing in our duty if we do not feel grateful to him for his services in this respect. Yet, in spite of large efforts on his part, we are still far from removing it from amongst us. You should, therefore, begin in right earnest for its removal.

In conclusion, I request you to cling to and foster our Indian civilisation and thank you for the welcome which you have extended to me to-day.

576

Lumley to Linlithgow on K.M. Munshi

Linlithgow Papers

GOVT. HOUSE, BOMBAY,
1 December 1937

[PRIVATE]

MY DEAR LINLITHGOW,

You asked me to let you know whenever Ministers visited Delhi or Simla, and so I write to inform you that the Honourable Mr. Munshi will be in Delhi for the conference of the Transport Advisory Committee. He arrives in Delhi on the evening of December the 9th and

See him if possible. expects to stay there for a few days.

L.

If you find it possible to send for him, I know that he would be glad to come up for an interview.

I expect you will have gathered, both from Brabourne and from my reports, that Munshi is really the brains of this Ministry. He is personally very charming and full of good spirits. I always like seeing him, and I do not think there is any vindictiveness in him. He is I think, unreliable, but more in the sense that he jumps from position to position than from deliberate dishonesty. He likes social life and has been accustomed to live

well, and I think he finds the ban on social contacts more irksome than any other Minister here. His wife is a member of the Bombay Legislative Assembly and is a pleasant and intelligent person. They are both authors, and I believe that Munshi is considered almost the best living author in the *Gujarati* language. I shall be mentioning, in my fortnightly report, the satisfactory outcome of the strikes in Ahmedabad, but I might say here that I think Munshi handled the situation well.

Yours sincerely,
ROGER LUMLEY

577

Views of Gandhi and Nehru on Congress Control Over Ministries

AICC Papers, F.No. D-11/1936

1 December 1937

Congress Ministers have a four-fold responsibility. As an individual, an individual is primarily responsible to his constituents. If he is satisfied that he no longer enjoys their confidence or that he has changed the views for which he was elected, he resigns. Collectively the Ministers are responsible to the majority of the legislators who, by a no-confidence vote or similar means, may at any moment drive them out of office. But a Congress Minister owes his position and responsibility to his Provincial Congress Committee and the A.I.C.C. also. So long as all these four bodies act in coordination, Ministers have smooth sailing in the discharge of their duty—Mahatma Gandhi.

What is the responsibility to the electorates? The electorate jumped for the Congress candidate not because of their individual merits, but because they represented the Congress and its programme. Nothing could be clearer than this. The vote was for the Congress. Every single Congress member of the legislature today, if he was unwise enough to backslide and seek election again in opposition to the Congress would be defeated by a Congress candidate, whoever he might be. It is to the Congress as a whole that the electorate gave allegiance, and it is the Congress that is responsible to the electorate. The Ministers and the Congress Parties in the legislatures are in their turn responsible to the Congress, and only through it to the electorate. The Congress, through its functions through a host of committees, is essentially one and has one basic policy. There are thus no conflicting allegiances for Congress

Ministers or Congress Parties in the legislatures. That basic policy is laid down by the annual session, and it is interpreted and implemented by the AICC. The Working Committee, as the executive of the Congress, is charged with the carrying out of this policy.—Jawaharlal Nehru, President.

578

Emerson to Linlithgow on Sikandar Hayat Khan's Standing with Muslim League

Linlithgow Papers

GOVT. HOUSE, LAHORE
3 December 1937.

Secret

D.O. No. 22-F.L.

MY DEAR LORD LINLITHGOW,

I have little to report in this letter. The attached fortnightly report contains a note on the Shāhidganj agitation. Since it was written the appeal has been heard in the High Court and judgment has been reserved. It will be announced on a date convenient to the executive. There has also been a further development on the political side. With the object of embarrassing Government, the Ahrars have issued a challenge to other sections of Muslims to the effect that individuals from among them are ready to start civil disobedience if others will do likewise. A week ago there was a very large congregation at the Badshahi mosque to see whether certain persons would accept the challenge, or the Ahrars stand firm if the challenge was accepted. No one, except a few men of little importance, is really anxious to go to jail and after some manoeuvring the matter fizzled out for the time being. It may, however, be revived.

2. The Premier, speaking at a meeting in the Hoshiarpur District, declared that his adherence to the Muslim League does not affect in any way the position or policy of the Unionist Party. He has, however, not yet issued the promised statement and I doubt whether he has cleared the position with Jinnah. Up to a few days ago, the Muslim members of the Unionist Party in the Legislative Assembly had not declared themselves members of the League—evidence that Sikandar does not intend to burn his boats until the situation is clear.

3. The Ministers have been doing a good deal of touring and have addressed a certain number of meetings. The reception given to them was good. But there is far too little activity of this kind by their supporters, and the case of Government is allowed to go too much by default. I am always being told that the matter is in hand, but so far have seen little results.

Events in other Provinces are having their effect. The Ministers tell me that even their own supporters are getting a little restive at the absence of spectacular measures, and there have been slight signs of the Ministers themselves getting rattled—nothing serious at present, but a tendency to rush proposals through because of their political value, but with insufficient consideration of their inherent soundness. The real test is going to come in a few months when the Darling Committee reports on relief in land revenue. I am a little afraid that the temptation to gain passing popularity may influence the Ministry in giving away far more than is necessary or desirable. If they yield they will greatly restrict beneficent activities. However, for the moment there is little cause for anxiety.

4. Indeed on the side of law and order the Premier is stout and sound. He does not hesitate to sanction prosecutions and his policy has had a good effect in checking subversive activities. This is very necessary for there have been definite signs of events in the United Provinces having an effect in the Punjab—*e.g.*, an organised campaign against the Police. There has been nothing approaching the virulence and violence of speeches in the United Provinces, only various straws showing how the wind is blowing. If Haig's action does not result in a general crisis, it will have a salutary effect everywhere. If a crisis does result, I think in the Punjab we have got, and should be able to retain, control over the forces of disorder. At any rate I shall be greatly surprised and disappointed if the Ministry does not take whatever action may be necessary. They will not be slow in pointing the moral which events in the United Provinces provide—namely, that no Government in India can afford to give a free rein to political champions of violent disorder. I was greatly interested in reading the letter of Jawaharlal to Members of the Working Committee. He is beginning to realise the difficulties of either going forward or retreating. His estimate of the situation is not reassuring.

Yours sincerely,
H. W. EMERSON

579

*Linlithgow's Report About His Talk with Birla on Detenus and Federation**Linlithgow Papers*

3 December 1937

After a few observations of a general kind, Mr. Birla referred to Mr. Gandhi's health. Now he had been very unwell indeed in Calcutta, and is expected to recover from his present extreme weakness; but Mr. Birla felt that Gandhi has had his final warning from Nature which he will only disregard at his peril. Mr. Birla is shortly proceeding to Calcutta in order to press upon Lord Brabourne, Sarkar and Nazimuddin the desirability of allowing Sarat Bose to interview detenus and terrorist prisoners still under detention on behalf of Gandhi, who is too ill to do this for himself. It appears that Mr. Gandhi has already approached Nazimuddin in this sense, but that the latter has replied that the Government of Bengal sees considerable difficulty in allowing Sarat to act for Gandhi. Birla tells me that the idea is that where Sarat can satisfy Nazimuddin and his colleagues about any particular case, Gandhi should not be brought in; but that in cases where Sarat cannot put the business through, Gandhi should interview the prisoner in question as soon as he is strong enough to undertake the journey to Bengal.

The doctors have ordered Mr. Gandhi a minimum of three months complete rest and he is going to the sea-side, probably to Gujarat.

Mr. Birla hopes to see Jawaharlal Nehru in Calcutta, probably about the 8th or 9th December.

I asked whether it was intended that the A.I.C.C. or the Working Committee should meet again this year. Mr. Birla said probably not before the end of January. When they do meet, Rajagopalachari, Rajendra Prasad, Kher of Bombay and some others are going to tackle Nehru and the rest of their colleagues on Gandhi's behalf, telling them that they must either govern or get out. I asked how Pant was doing in the United Provinces. Answer. He finds it very difficult to take his own decisions. Before his Premiership he was never in the first rank of Congress and therefore lacks self-confidence. It appears that the other day he brought up some relatively unimportant issues before the Working Committee and was sharply told that he should take his own decision and only bring up points of first class and general importance.

Mr. Birla then turned to the matter of Federation. Lately he had asked Gandhi whether he could suggest within the four corners of the

existing Act, a compromise which would make the principle of Federation acceptable by himself and Congress. Mr. Gandhi had said that he was quite confident that he could do this. It has been due to Gandhi personally, that the proposal had been cancelled at Calcutta to commit Congress to order the resignation of all Congress Ministries in the event of Federation being implemented.

Mr. Gandhi's difficulties in regard to the existing scheme of Federation were two, namely (1) the principle of nomination by Indian States, and (2) the reservation to the Governor-General of defence and foreign policy. With regard to (1) he felt quite confident that Mr. Gandhi would not scrap Federation because the plan involved the nomination of States' representatives. At the same time, it would enormously assist Mr. Gandhi to accept and recommend the scheme if it were possible to persuade one or two of the larger states, such as Mysore, to utilise the existing legislatures for the purpose of selecting the Ruler's nominee. As regards the second, the real point at issue in Gandhi's mind was not so much the question of what power would be within the ministerial field in the initial phase of Federation, as the obtaining of some assurances of that in this matter as elsewhere, the competition did in fact contain seeds of growth and that Indians and the Federal Ministry were not to be forever debarred from controlling their own destiny in the field of defence and foreign policy. I said that I had spoken to Mr. Bhulabhai Desai and Satyamurti at Simla and that Satyamurti in particular had pressed me to tell him what would be my own approach to this question if I were to be the first Governor-General under Federation. I told Mr. Satyamurti that as a practical politician and administrator it had never occurred to me that the problems of defence and foreign affairs could be altogether barred from the Cabinet room. Indeed, if one contemplated the extent to which under modern conditions problems of defence penetrated the whole structure of finance, commerce and the industry of a state, it becomes at once clear that no hard and fast line between what appertained to defence and what did not could be drawn. My own concern would be to carry my Ministers with me both in defence and foreign policy, to inform them fully as to my views, and to listen to their own opinions. In short, I would be concerned to bring the whole range of policy, including defence and foreign affairs within the horizon of the Ministry subject always to my statutory obligation to reserve a final decision to myself as Governor-General. Mr. Birla said that he thought that ideas of this kind would make an admirable basis for discussion with Mr. Gandhi and would, he thought, go a long way to satisfy him. He, Birla, had found his own opinion in more than one matter considerably altered by the experience of the last few months. He now recognised that safeguards were inevitable and indeed essential. In the long run, if the

constitution was to succeed, they must be allowed to a trophy; meantime, they were absolutely necessary.

It is interesting to note, that when I mentioned Desai's name, Birla interrupted me and said that he wished to tell me that Desai had turned to the Left and that he no longer counts.

With regard to Nehru, Birla told me that so far as he could understand him his mind seems to be in some confusion between the theories with which it is filled and the day-to-day experience of Government which, though he only obtained this second-hand, has undoubtedly made a deep impression upon him. Gandhi could influence him and while he was alive would do so but "Nehru remains the Chief trouble."

Before we parted I again reverted to the position in the United Provinces. I said that I most devoutly hoped that Pant would find it possible to do the thing necessary to maintain law and order. I fully appreciated his and his government's difficulties, but no one could doubt that in the present imperfect state of the world there were occasions upon which all Government, whatever their ideals and aspirations, were bound in defence of the peace and security of the community as a whole, to apply force in restraint of individuals. I could conceive, I said, no more foolish course for the Congress Ministries to pursue than to advertise to the world that only the British could maintain order in India. In cases where probably dangerous propaganda was being indulged in, which was clearly within the mischief of the ordinary law, it would, I felt, be a confession of helpless weakness on the part of Congress Ministers if they fell back upon the Governor's special responsibility rather than nerved themselves to take a course which would be approved by all reasonably-minded men. I said that I greatly hoped that, if opportunity came his way, Mr. Birla would press this point of view upon his Congress acquaintances. He said that he entirely agreed with every word I said and was doing his best in the direction indicated. He had come to realise that Congress Ministers and Congress Committee were destined to undergo a prolonged period of education, not unaccompanied by disillusionment, during which they would require the patience, advice and support of the Governor-General and the Governor's concern, without which they could hardly survive. I said that he could rest assured that they would have that support provided they could be persuaded to govern. This was not a country in which any man responsible for the safety and well-being of the public could stand aside and see the grass fired. Any indication of things of that kind would involve the immediate interference of myself and the Governors regardless of the effect which such action might have upon the constitutional position. Mr. Birla said that he recognised this, but that he did not himself think that things would come to that. I said that I hoped he

was right, but that I could not conceal from him that there were evident signs that I did not at all like.

Two things impressed me. The first the evidence all through the conversation of the profound effect upon Birla's mind produced by the working of the provincial autonomy. The second, that for the first time either from Birla, or from any important Congress source, I heard without any attempt to gloss over the fact evidence of the growing estrangement in terms of policy between Gandhi and Nehru. Mr. Birla, indeed said that he hoped that I would see Nehru as soon as possible and do what I could to get him to face up to realities and to drop some of his more extreme theories. If I could do this, I should be enormously helping Mr. Gandhi. Lastly, Mr. Birla impressed upon me the high expediency of bringing on the Federal issue at the earliest possible time. If this matter could be brought to a head while Gandhi was still alive and active, Birla had no doubt that Gandhi could make it possible to secure Federation. Nehru, on the other hand, was bitterly opposed, for reasons largely theoretical, to the whole basis of Federation within the Act, and no one could tell what might happen if the Federal issue emerged for decision with Nehru in a position of power, unchecked by Gandhi's influence.

LINLITHGOW

580

Birla to Mahadev Desai on His Meeting With Viceroy¹

4 December 1937

MY DEAR MAHADEVBHAI,

I met the Viceroy today and had a pretty long talk with him for nearly 40 minutes.² He inquired about Bapu's health and I told him that although there was nothing alarming, he was not improving very rapidly. Three month's rest will undoubtedly put him again in his normal health but I said I doubted whether he would be able to take up continuous hard work. He was sorry to hear all this. I gave him a short history of the causes in their chronological order that broke him down, and at the end, I said that we were all very anxious to save him as much as we could from the trouble of dealing with the prisoners. For this purpose it was thought desirable that Sarat should see the prisoners and do the preliminary work.

¹ G.D. Birla, *Bapu: A Unique Association*, Vol. III (Delhi, 1977) pp. 104-07.

² See No. 579 for Viceroy's version of the interview.

I related how Gandhiji wrote to the minister and what the latter replied. I also said how Bapu had written again and at the end I said that I myself was going to talk to Nazimuddin and also to Lord Brabourne but I thought I should acquaint him with all the facts in case he wanted to help. He took copious notes of all that I said and thanked me for acquainting him with all these things. He did not say that he would help but I have no doubt that he would. Silence is one of his many habits.

After that, we talked about Federation. There were serious objections advanced by the Leftists as well as the Rightists. There was likelihood of another breakdown unless the situation was carefully and sympathetically handled. What was he going to do? He told me that he himself was not satisfied with the Federation. He appreciated the objections of the critics. But even if he wished, the law could not be changed. What he did not appreciate, however, in our criticism was that no constructive alternative has been suggested to him so far. I told him that at the proper time Bapu would. But the Viceroy should exercise his mind from this very moment as to what solution he could suggest. There were two things that were objectionable even from my point of view. Representatives of the Princes would come without election. And secondly, it had yet to be proved by the authors of the Act that this act contains in itself the seeds of automatic growth, a claim made off and on by Englishmen. Without the Army and Foreign Affairs, under the control of the popular ministers, how were we going to reach the goal of Dominion Status? It was for the Viceroy to convince the public in India by some means that what was said by the authors the Act was not a mere platitude. He replied that what was claimed about the Act was not a mere platitude. He did not want to treat his Cabinet as irresponsible for Army and Foreign Affairs. True legally they had no power over these matters. But by usage this power could be established. This of course was only his personal opinion. But he wanted me to leave the matter at that so that he may exercise his brain for the proper occasion. I pointed out to him the necessity of talking before the Federation became a reality and also added that if he could cultivate acquaintance with Jawaharlalji, he could very much relieve Gandhiji of his task. He asked me when Jawaharlal was coming to Calcutta and when I told him that he would perhaps come on the 8th, he remarked, "Oh, as early as that." Perhaps you are aware that the Viceroy will reach Calcutta on the 13th or the 14th.

During the course of conversation, he emphasized the need of maintenance of law and order and he said nothing would be more damaging to the provincial ministries than to prove it to the world that after all it were the Britishers alone who could maintain law and order. He is specially anxious about the U.P. and asked me to convey it to the proper quarters that it would be very bad for the ministers, if the Governor had to use his own responsibility for maintenance of law and

order. He did not want that Pant should prosecute people right and left but he said things were getting very serious in U.P. and he should not allow anarchy to prevail. I told him that Pant was fully conscious of his own responsibility, that the Gandhi Seva Sangh has recently passed very important resolution against violence and that all the big leaders of the Gandhi Seva Sangh were strenuously working to fight out violence. He was very happy to hear this. This is the gist of my talk. I think he will seek an opportunity to meet Jawaharlalji.

It appears from the Press that the ferment is growing everywhere and perhaps for the next few months the most important task of the ministers would be to suppress all incitement to violence. Partly it will have to be done through prosecution and partly through redressing the grievances of people. The exaggerated expectations that have been raised are just now at the root of all these troubles and unless the Congress tells the peasants clearly that their position could be improved ultimately through their own hard work alone and not by any stroke of wand, I don't think this discontent will subside. Today the position is that, if all the accumulated wealth is socialised and the Zemindari system abolished, it will hardly add much to the existing income of the masses. In order to increase their income constructive works have to be undertaken. Production has to be increased, the quality of production has to be improved and this will require concentrated work spread over a long period. All this enthusiasm about the release of prisoners will begin to fade after some time. People will demand more bread and the bread is not going to come out of the confiscation of Zemindaries. Our ministers will therefore have to decide from this very moment as to what they are going to do for ameliorating the condition of the people. If they think that the amelioration depends on the confiscation of the properties, then I think they are deceiving themselves. The question of discontent just now is linked up with economics and unless steps are taken to make the peasants realise what is possible and what is not, I fear that ferment will grow to such an extent that it will become impossible after a certain stage for the minister to maintain discipline. And as Bapu has said so many times, inviting the help of the Military will be the death knell of the provincial governments. I fear the U.P. and Behar have not yet fully realised the seriousness of the growing danger to non-violence.

Yours affectionately,
G.D. BIRLA

581

Hallett to Linlithgow on Kisan Agitation in Bihar

Linlithgow Papers

5 December 1937

[SECRET]

No. 1336.-G.B

MY DEAR LORD LINLITHGOW,

Herewith the draft of the official fortnightly report.

1. *Kisan agitation*—There seem to me to be three satisfactory points in the present position:—

(a) There have been no serious riots up to date.

(b) Right wing Congress workers, including of course Ministers, are clearly doing their best to prevent any "violence". A Police Abstract of Intelligence which I have to hand shows, for example, that at a meeting in Patna district, at which the Prime Minister was present, one speaker said that "they should be brave and unmindful of life and should drive from India by the force of the *lathi* the dirty tyrant, the British Government. Zamindars were the pillars of Government and were looting the people. It was time they were looted and put an end to by force." The Prime Minister told him to resume his seat and told the audience not to be guided by his foolish advice. On another occasion the Prime Minister is reported to have urged the meeting not to adopt a resolution advocating the abolition of the Zamindari system, as that would only cause war between landlords and tenants. I need not quote more instances, but this is all satisfactory as far as it goes.

(c) The Police and Magistrates are alert and active in stopping breaches of the peace and are making full use of their powers under the Criminal Procedure Code. In a recent case in Gaya, a Magistrate arrived with a force of Gurkha Military Police at a village where there was a dispute over *bakasht* land. He promptly arrested and convicted some of the men, and the women who attempted to do "satyagraha" which melted away at the sight of the Gurkhas. I have not seen full details, but believe this is correct. The presence of Gurkhas always acts as a deterrent, and I am very glad we sent them to Gaya.

2. But though there are these encouraging features, there are other discouraging features. The Kisan leaders in Gaya, in particular Pandit Jadunandan Sharma and Swami Sahajanand, are indulging in attacks on

the Ministry; at one meeting the latter is reported to have said that he challenged Government and the Police to proceed against him, adding that he was aware of the extent of his right of speech. "The zamindars could kill Pandit Sharma and himself, but they could not end the Kisan movement, which would extirpate zamindari root and branch." On another occasion, this time in Darbhanga district (North Bihar), he said that "the zamindari system would have to be removed, but he did not desire that zamindars should be beaten". Speeches such as these in any other country might be regarded as merely advocacy of a policy which differed from that of the Ministry in power, but here they may have very different results.

3. Though my Ministers clearly realise the danger of such speeches and have agreed that these speeches should be reported and that some of the Kisan leaders' correspondence should be intercepted, I feel doubtful whether they will have the courage to go for them. In my last report I referred (paragraph 3 of my letter No. 1295-G.B. of 25th November 1937) to the Paresnath Forest Case, in which some Santals and other raiyats were instigated by left wing agitators to disregard their recorded rights and assert full rights over certain jungles. More detailed reports show the virulent nature of the speeches of the left wing agitators and my Chief Secretary in a very able note, of which I enclose a copy, has recommended action against one of them. The case has not reached me officially and I do not know the views of my Prime Minister. I shall of course discuss the case with the full Council of Ministers, and I cannot yet say whether I should feel justified in rejecting their advice, if they are against prosecution. I mention the case at this stage, partly because it may give rise to further references to Your Excellency and partly because it shows or may show the difficulties arising from a Ministry having "cold feet" and being afraid of everyone. The recent United Provinces trouble is perhaps typical of this, but there are signs both in the United Provinces and also in Bombay, as far as my information goes, that Congress Ministers are realising their responsibility for law and order, and I hope my Ministry will also.

4. There have been two demonstrations in Patna, the first of the Kisans on 26th November and the second of the Khet Mazdurs (landless labourers) on the opening day of the Session. These are referred to in the official report. One danger of these demonstrations is that if representatives come from all over the Province, it may cause the infection which is at present most virulent in Gaya and Patna to spread elsewhere. On the occasion of the Khet Mazdur agitation arrangements were made to keep them away from the Assembly Chamber itself and so avoid the invasion which occurred on the occasion of the first Kisan procession.

5. *Work in the Legislature* —The Select Committee on the Bihar

Tenancy Bill has completed its work and the modifications made in the Bill on the whole favour the landlords. The vexed question of arrears of rent and *bakasht* land has been left for a further Bill and is still under discussion with the landlords. I am told that possibly the alleged breakdown in the negotiations is a put-up job; the Ministry are really in sympathy with the landlords, but wish to conceal the fact and the alleged breakdown may have this effect. Actually the further Bill will be on the lines of the compromise which has been arrived at.

6. The Sugar Control Bill, a very complicated piece of legislation, is being rushed through with almost indecent haste; I hear a rumour that the United Provinces Government are intending to obtain the powers given by this Bill by means of an Ordinance in the first instance! The Bill, however, is only a framework, and the actual control of the industry will be effected mainly by rules under the Act. Hence defects in form and substance in the Bill itself are not of such very great importance. I will send you and also your Finance Member a copy of the Development Minister's speech on the Bill as soon as I can get a copy. It is a good speech, especially the parts which were drafted by his official Secretary, Mr. S. Lall; it contains an attack on the Excise duty and the International Agreement, but it is rather illogical to attack the Excise duty when they are themselves proposing to tax the industry.

7. *Secretariat Work*—I will send you a further note in regard to Parliamentary Secretaries after I have received a note from my Chief Secretary who will consult other Secretaries and get their views on the working of the system. I do not think the system is working badly and certainly the Ministers could not work without this assistance. You refer in your last letter to Hyde Gowan's complaint about work falling into arrears and the difficulty of getting orders even on important cases. Work is certainly in arrears and each Minister probably has many old files on his table, but in some cases the delay is due not so much to pressure of work as to the fact that the Minister finds it difficult to make up his mind and is reluctant to come to a final decision. In many cases failure to come to a decision is not without its advantages and avoids embarrassing decisions, and I think my Secretaries, and in particular my Chief Secretary in dealing with law and order matters, generally succeed in obtaining orders if they are urgently required. I may quote an example; we have recently had a very troublesome case of defalcation from a Treasury of about rupees three lakhs or possibly more—the second case of its kind within two years. On many points urgent orders were required, but my Finance Minister has dealt with the case promptly and has kept me fully informed of all that was being done. I do however feel that the important legislation which is being undertaken is being rushed through too quickly; the Secretaries concerned and the draftsmen do not

have sufficient time to sit down and think out the problems. In the past possibly we were too slow and cautious, but we have swung over too much the other way. I have just heard, for example, that the Select Committee on the Sugar Control Bill completed its consideration of the Bill at one long sitting. I mentioned this general point to my Prime Minister today, but he seemed to regard it as essential to rush through the Bills.

8. My Prime Minister is very worried about the complaints which he receives about Police oppression or corruption. He is, I feel, too prone, as indeed is any inexperienced administrator, to accept any complaint made to him at its face-value. You may be interested to see a letter which I wrote to him on this subject, and I enclose copy of my letter No. 1313-G.B. of 29th November 1937. From a brief talk which I had with him today, I don't think he sees eye-to-eye with me over the matter. I do not think he has any ulterior motive or wishes to down the Police, but he is too sympathetic to the complainant and does not realise the opposite point of view. I do not myself believe that the Police in this Province are corrupt or oppressive, but there are of course black sheep. It is a difficult and delicate situation, but I hope that I and my officers will be able to instil sounder ideas into my Prime Minister.

9. *Political Prisoners*—There have been no further developments and I have not yet been able to have a Council Meeting to discuss this question as my Prime Minister has been on tour or preoccupied with Tenancy discussions. I sent my Prime Minister a selection of extracts from the United Provinces reports which Haig sent me showing the activities of the Kakori prisoners, to supplement the note which I gave him. There are rumours of a further hunger-strike about December 11th or 12th, but as far as I can see, that will not affect Bihar only. There may be or, it would be more correct to say, will be a crisis, but I feel that we are on a good wicket, and can defend any action which we take, and that our defence will, apart from satisfying opinion in England, show to most people in India that we are not unreasonable. I am very glad that you sent my note to the Secretary of State.

10. There are other matters which may have ultimately to be referred to you, for example there are some signs of attempts to whittle down the powers of the Public Service Commission. In a complicated case which came to me recently, my Ministers took the point that if appointments made by subordinate officers had not to be referred to the Commission, it was absurd to say that all appointments made by Government itself should be so referred. I have written a long note for their consideration with which I need not trouble Your Excellency at this stage.

11. There is one other matter connected with the present Session of the Assembly which I had better mention, as it may give rise to comment. The Muslim members headed by Mr. Yunus put in a petition to me some

time ago not to hold the Session during the month of *Ramzan*. I rejected it, because of course *Ramzan* does not mean a complete holiday for all and I have to consider the state of Government business. The recent Session of the Council of State afforded a precedent. Actually I first fixed the Session for the middle of November, but my Government were not yet ready with their Bills owing to the discussions about Tenancy Legislation. I therefore put it off till December 1st. Mr Yunus gave a notice of adjournment to discuss the date fixed for the Session, which he contended being so near the *Id* was inconvenient to Muslims and would involve Government in unnecessary expense on Travelling Allowance. In a second notice he explained that he had no intention to discuss my decision, but wished to discuss the advice given me by the Ministers. I felt that it was impossible to allow discussion of any kind on any order passed by me in my discretion, even if, as the second notice implied, the attack was on the Ministers, not on me. But I felt, and I feel sure that you will agree, that even though in this particular case discussion might have had no undesirable results, it was essential to prevent discussion in any form on an order issued by me in my discretion while to censure Ministers for advice which they had no right to give was illogical. Though in this particular case it was obvious that I had consulted my Ministers, yet in many cases no one should know whom I consult before issuing a discretionary order. I felt it was an important question of principle.

I next got a letter from Mr. Yunus just before the meeting saying that my order was very embarrassing to him—(I had explained my reasons to him in a personal letter)—as he had asked his party to walk out as a protest if the motion was disallowed or rejected. Actually I find from the papers, he tried to make a statement, but the Deputy Speaker, also a Muslim, who was in the chair, refused to allow any statement to be made and the Muslims did not walk out. So it looks at present as if all would be well. I regard Yunus' attempt to censure the Ministry on this issue as another example of the growing jealousy of the two communities.

12. Another point to be mentioned is that the Education Minister under Sir James Sifton, Mr. Abdul Aziz, who was leader of the Muslim United Party which tried to fight Yunus' Independent Party and has gone over to Jinnah, has resigned his seat in the Assembly. I expect the real reason is to devote more time to his practice, but I see in the *Statesman* he says he is disgusted with politics in which "caprice, campaign and calumnies" play a large part. It remains to be seen whether his withdrawal helps Yunus to unite the Muslims more solidly.

13. I take the advantage of these fortnightly reports to express my opinion freely and candidly and I hope these reports are as useful to you

as your replies are to me. Many of my views are, I admit, tentative and provisional, but in spite of that I feel it right to put them before you.

Yours sincerely,
M.G. HALLETT

[ENCLOSURE 1]

H.M.—

The Commissioner of Chota Nagpur proposes that Babu Ram Narayan Singh, M.L.A., should be prosecuted for certain speeches which he delivered in the neighbourhood of the Pareshnath Hill. The Legal Remembrancer has examined the evidence and has advised that the speeches constitute a clear offence under Section 153-A, India Penal Code, and that the evidence for a prosecution is good.

2. Though the Commissioner has sent up extracts from the report of a number of speeches, we are concerned only with two of them, namely, those which were delivered on the 5th of November. A meeting was held between 8.30 and 10.30 on the 5th November at Madhuban which is just north of the Pareshnath Hill. The report of this meeting by Sub-Inspector B. Sahay will be found at pages 10–14 of correspondence and there is also a report by Rai Sahib Rudra Prashad, who is the manager for the Jain owners of the Hill at pages 7–9. After this meeting the speaker went on to Dumri which lies about eight miles away and held another meeting. This has been reported by Sub-Inspector K. Mallick of pages 32–33 of correspondence and by Rai Sahib Rudra Prasad at pages 3 and 4. (It is better to read these full reports than the extracts which the Commissioner has sent up in the three folders below.)

The outstanding feature of these speeches of Babu Narain Singh is that they abounded with the most open incitements to violence and that these incitements were acted upon by his audience. In the first speech, that at Madhuban, he began telling his audience to defy the orders of the courts in the matter of the possession of lands and to resist the attempts of decree-holders to obtain possession even if they had to kill decree-holders. He then told them not to allow the owners of the forests to cut any wood from them. If such owners or their men tried to do so, the audience was invited to draw them away by force and, if necessary, to kill them. He went on to say that the Police and the Magistrates were powerless to stop such actions and finally he gave the same advice to his audience for dealing with *mahajans*; these also might be killed and their books burnt. This resulted in a display of great excitement at the meeting and part of the audience cried out that they would act on the advice. Rai Sahib Rudra Prasad who attempted to intervene was only saved from assault at the meeting by the Sub-Inspector. The Sub-

Inspector thought it necessary to remonstrate with the speakers and pointed out the imminent danger which such speeches involved.

His remonstrances had, however, no effect and the speakers went on to hold another meeting about an hour later at Dumri—eight miles away; apparently Rai Sahib Rudra Prashad went with them. At this meeting Babu Ram Narayan Singh repeated the advice which he had given regarding the cutting of the jungles, advised that the settlement record on the subject should be burnt if it stood against them and said that under a Congress Government no one need be afraid of doing such things.

It will be observed that these speeches not only abounded in incitements to break the law and to commit murder against anyone who opposed such breaches, but also aimed directly at destroying the authority of the Police and the Magistrates whose business it is to stop such breaches of the law. There were definite indications at the meetings that the audience had been worked up to following the advice of the speaker. Early on the following morning, the 6th of November, a number of villagers made raids on the hill and cut wood in the presence of the Police. On the next day, the 7th of November, further and more extensive raids took place, again in the presence of the Police and of the Magistrates and various members of these raiding parties when reasoned with by the authorities referred to the speeches as their justification for their action. An interesting example of this will be found in the second officer's description at page 20 of correspondence of his interview with a certain Charka Kurmi who at first listened to their advice to stop exciting the villagers, but afterwards went on with his activities saying that the M.L.As. would come to his help. The speeches were therefore followed in the most direct and most positive fashion by action of the nature which Babu Ram Narayan Singh had advocated in his speeches. The landlord's men, acting on the advice of the Magistrate, did not attempt to offer opposition to the raids; if they had come out to protect their property, as they would have been fully justified in doing, it is probable that Babu Ram Narayan Singh would now be under trial for abetment of murder. As far as I can see he would have had no sort of defence against such a charge if a murder had been committed. It is difficult to imagine a more open and obvious offence of this nature and it is obviously the duty of Government to prosecute Babu Ram Narayan Singh. His offence is aggravated by the fact that he is a member of the legislature and that he misused his position as such to mislead his audience and to destroy the authority of the only people who could stop them from carrying out his advice, namely, the Police and the Magistrates. I am aware that Babu Ram Narayan Singh is a notoriously loose speaker. I have myself in the past on several occasions advised that

intemperate utterances from him need not be made the basis of a prosecution because it was clear that they had not been taken at their face-value by his audience. This argument might have been given some weight if the speech had not in fact resulted in violence, but where intemperate words repeated after remonstrances from the authorities had the effect of making his audience do what he advised them to do, it is impossible to make any allowance for the fact that the speaker habitually lets his tongue run away with him. We have here a case in which incitements to violence and murder have been used with the utmost freedom and partly acted upon by an ignorant audience. Government have already issued instructions that the audience should be treated in the most lenient possible manner. This renders it all the more essential that the chief author of the trouble should be placed on trial and should suffer any penalty which the court sees fit to impose upon him. Any other treatment of the matter would not only result in the law regarding such incitements becoming a completely dead letter, but would leave the officers of Government powerless to prevent violent invasions of the legal rights of peaceful citizens.

W. B. BRETT—1.12.37.

582

*Rajendra Prasad to Patel on the Need for Unity in the Working Committee
(Extract)*

Rajendra Prasad Papers

6 December 1937

MY DEAR VALLABHBHAI,

I wrote you a long letter yesterday and posted it to your Bombay address. I am afraid you may not get it on account of your departure from there for Lucknow.

You must have received Pandit Jawaharlal's letter regarding Bapu's article about the A.I.C.C. proceedings in the *Harijan*. Maulana Azad has written to me that Pandit Jawaharlal whom he met in Calcutta seemed to be much perturbed by it and was going to issue a statement to the press on the subject but was dissuaded from doing so by Maulana. As I was not present at the Meetings of the Working Committee and the A.I.C.C. at Calcutta I am not in a position to express any definite opinion and I

would like to be guided by you in this matter. I have however a feeling that of late Jawaharlalji has been veering round to our view and the difference which used to be so marked between his view point and ours on many points is being prominent today but that cannot be said about others who had been engaged in carrying on both insidious and open propaganda against the Congress policy and programme as also its fundamental tenets. I have therefore felt that while we should organise ourselves and wherever necessary openly express our point of view we need not precipitate any expression of differences in the W.C. itself. In other words the difference that exists according to my view between the line of working of Pandit Jawaharlalji and the Socialists should be appreciated and nothing should be done to cut him in such a way as to drive him away from us. There is undoubtedly a fundamental difference between him and us on account of certain theoretical background but we have found that in practice and actual working of the programme he has been able to adjust himself considerably to our view point and it will be unfortunate if at this time when the differences seem to be narrowing down there should be a break with him. I have explained this at length in my letter to you posted at Bombay....

Yours sincerely,
RAJENDRA PRASAD

583

Linlithgow to Emerson on Sikandar's Relations With Muslim League

Linlithgow Papers

THE VICEROY'S HOUSE, NEW DELHI
6 December 1937

[SECRET.]

MY DEAR EMERSON,

Many thanks for your secret letter of 3rd December.¹ I am interested to watch the developments in connection with Sikander's relations with the Muslim League.

2. I am a little surprised by what you tell me in the first sub-paragraph of paragraph 3 of your letter because I had formed the impression that the organisation of your Ministry was thought to be very good indeed,

¹ See No. 578

and that they were in fact disposed to be active in the countryside and realised the importance of getting their case across. No doubt the position is that Ministers themselves have a good record in this regard, though that is not the case with their supporters. I quite agree with you that it is a point of definite importance and one on which anything that can be done by the Ministry to improve the position and to encourage their supporters to take a more definite line would be of real value.

3. I am alive to the pressure on Ministers, but I hope that they will find it possible to keep their feet and not let themselves be rushed into measures to secure immediate relief (and I do not feel that it would be more than temporary) which may saddle them with consequences which they will have to carry for a considerable period and which may be very unfortunate from the point of view of the Province generally. As regards law and order, Sikander's attitude as reported by you is a great help. I will mention to Haig what you say as regards the reaction of events in his Province on the Punjab. At this stage the action he has taken (I assume you refer to the prosecution of Parmanand) does not seem to have produced reactions of any significance. But while we obviously must avoid, so far as this may be practicable, consistently with the discharge of the special responsibilities, anything which would precipitate a major crisis, and while we must equally avoid anything which could be represented as being deliberately provocative, if we find ourselves in a position in which individuals are indulging in activities which appear to threaten the peace and tranquillity of the Province, there is as I see it only one course open to us. In the unhappy event of a crisis developing I am encouraged by what you tell me as to the preparedness of the Punjab, a preparedness which does not surprise me, and I am encouraged by your estimate of the probable attitude of your Ministry.

Yours sincerely,
LINLITHGOW

584

*Mainwaring to Laithwaite on Release of Political Prisoners in Bihar**Linlithgow Papers*CAMP
7 December 1937

[CONFIDENTIAL]

D.-O. No. 288-G.S.-C

MY DEAR LAITHWAITE,

His Excellency the Governor asks me to send to you for the information of His Excellency the Viceroy copies of two notes on a discussion about the release of political prisoners at yesterday's meeting of the Council of Ministers. I am to add that His Excellency will be writing to His Excellency the Viceroy in continuation of his telegram of yesterday.

Yours sincerely,
A.J. MAINWARING

To

J.G. Laithwaite, Esq., C.I.E.,
Private Secretary to the Viceroy.

[Enclosure 3]

[Confidential]

GOVERNOR'S SECRETARY'S NOTE

*Extract from the Proceedings of a Meeting of the Council of Ministers held on the
6th December 1937*

4. Release of Political Prisoners.

His Excellency then drew attention to the serious nature of the crimes committed by many of the individual political convicts still in jail. He drew particular attention to the case of Chandrika Singh whose sentence of seven years' imprisonment was enhanced by the High Court to transportation for life. If these men, who in many cases had indulged in brutal murders, were released *en bloc*, it might easily create the impression that anyone could manufacture and throw a bomb with impunity, since the Ministry would be certain to let him off. In such cases of overt violence the political nature of the crime was in His Excellency's opinion no exculpation. Admittedly some of the prisoners

His Excellency asked whether the Prime Minister could give a guarantee that if there was a general release, there would be no outrage. The Prime Minister said that he could not vouch for Chandrika Singh, but he was convinced that Jogendra Shukul had changed his views, since he knew him well.

His Excellency pointed out that the danger was that people would again corrupt these prisoners. Could not some one give security for them. At this point the Prime Minister and Mr. Anugrah Narayan Sinha quoted what was apparently Gandhi's actual instruction to them "that they should not press for the release of a single political prisoner unless they were convinced that they had given up faith in violence".

His Excellency asked whether they were prepared to see released prisoners becoming a dangerous support to left wing movements like the Kisan agitation. Mr. Anugrah Narayan Sinha thought that Kisan agitation was not a permanent factor. He thought the Government should watch the released prisoners and "give them no concession" if they played false. His Excellency then developed the view that they might be released on ticket-of-leave, and pointed out that it had taken three years for the Police to catch some of them. The Ministers rather hedged here. They thought that the men were older and less likely to misbehave.

The Ministers admitted that they did not want to release all the prisoners at once. His Excellency then suggested that they had better go back to the previous system and consider individual cases. The Prime Minister suggested that a few of the principal prisoners might be released quickly.

His Excellency said that he proposed to go through the case and see how far he could go on with the older method of releasing individuals. He again asked why the Congress people of Madhubani should not be willing to give security for a prisoner like Lekh Narayan. The Prime Minister rather shirked this issue.

585

Viceroy to Secretary of State on Ewart's Visit to Bihar

Linlithgow Papers

[SECRET]

9 December 1937

I have little to record regarding my visit to Patna. I had long talks with His Excellency the Governor and interviews with Chief Secretary and

senior Police officers. Most useful of all, His Excellency the Governor called a conference which included the District Magistrate, and Superintendent of Police, Patna, and some other District and Police officers as well as the Secretariat officers referred to above, and held a general discussion with them and me.

2. Though difficulties and anxieties naturally exist, it is clear that there is no cause for apprehension, and that the officers of the Provincial Administration are confident, fully alive to the needs of the situation, in full understanding and touch with each other, and have sensible and suitable relations with politicians and the Ministry. There is no cause for serious anxiety regarding the position of the Services, whether superior or subordinate. Incidents have occurred, and will continue to occur, but the Governor and his officers are fully prepared to deal with them as they arise. The landlord-tenant question is the principal problem, and dangerous developments are always possible, but the Governor and the Chief Secretary seem satisfied that the Ministry will not prevent suitable action being taken to control any tendency to the encouragement of organised mass violence; for instance, the building up of material and its utilisation for the prosecution of some of the smaller, but none-the-less dangerous, propagandists of kisan agitation was discussed in my presence between the Chief Secretary, and the District Magistrate and Superintendent of Police of Patna. Some restriction on the recording of speeches by the Police was imposed for a time, but has been removed. The Prime Minister has proposed the release of certain political prisoners convicted for violence, but it does not seem likely that he will prove unyielding to the Governor's opposition to his proposals.

3. The danger of agrarian trouble taking a turn for the worse, in sympathy with possible adverse developments in the United Provinces, and the danger of ex-detenus from Bengal coming into the Province and reviving revolutionary plotting, are fully recognised, and it was part of the Governor's object in holding the conference to which I have referred, to have these subjects ventilated and discussed from various angles. The important matter of organising the work of the C.I.Os. concerned for the most effective possible inter-provincial liaison is receiving my attention.

4. The opinions held of the Ministry in Bihar as a result of four months' experience are as low as they could be. The Premier is considered utterly weak and lacking in personality. I was unable to see him as he failed to keep an appointment which had been made by himself ten days in advance at the only time which I could spare in a busy two days. The Finance Minister is the most competent of the team. His Excellency the Governor considers that all the Ministers are greatly overworked and that there should be an increase in the number of Ministers, but the impossibility of finding another Muslim, and the

generally poor ability of members of the Government Party, make this increase at present impossible. The Ministry is said to be assured of the unwavering support of not more than 30 or 35 of its nominal supporters in the legislature; the rest represent personal or sectional interests and cannot always be relied on.

J.M. EWART

586

Mahadev Desai on Congress Governments and Labour Strikes

Harijan, 11 December 1937

The Ahmedabad labour strike is over—not without having done a lot of harm all round. The only one good result of it may be this that the workers have learnt one more lesson of not listening to those who would encourage strikes as such, and have also perhaps realised the value of the Labour Union which has by now weathered many a storm, and which makes for the solidarity of the labour interests. The *Indian Labour Journal* which is the official organ of the B.N. Ry. Indian Labour Union, commends to its readers Gandhiji's article 'Storm Signals' and has addressed very sensible remarks both to the workers and the labour leaders. "They must," it says, "formulate their grievances, present them to the proper quarters, seek the aid of Provincial Governments for their redress, and if all channels fail, resort to the ultimate weapon of strike. It will never do to strike work and then to evolve a list of grievances and demands." Also: "Labour organizations should develop a strength of their own. There had been sporadic strikes throughout the country in 1920. There were record strikes in the textile and other industries including railways in the year 1928. We have now strikes all over the country. They do indicate in uncertain terms that the workers are prepared to make any sacrifice in order to secure better conditions. But mere strike without the development of trade unions which function continuously and systematically do not carry the workers far. The leaders who figure so much in strikes should set themselves down to do some regular trade union work. But, unfortunately, most of them do not seem to have faith in trade unionism which, according to them, is reformist. Some of them go to the extent of stating that workers cannot see or think beyond improving their own conditions and all revolutionary thought can only emanate from the bourgeoisie. They may be entitled to think so but they should not exploit labour for this purpose."

But the strike has other lessons also, which even the Government ought not to ignore. It has brought under the influence of arbitration parties at Ahmedabad who were still outside it. Several Ahmedabad mills have always remained outside the Millowners' Association and a fair section of labour also has not yet realised that its interest would be better safeguarded if they joined the Majoor Mahajan. The result of this incomplete organization of both millowners and mill workers has led to avoidable mutual conflicts which have disturbed industrial peace in Ahmedabad. It is time that effective steps were taken to see that all mills join the Millowners' Association and all labour comes on the register of the Majoor Mahajan. But whether this is done or not, the Bombay Government should undertake legislation, giving to agreements arrived at by representative organizations a binding character for everybody in the industry. This would prevent a few mills or sections of labour which are outside the influence of their representative organizations from disturbing the peace of industry by unauthorised conflicts. We are suggesting nothing new. Even the Socialist Premier of France has had such legislation placed on the Statute Book, and so also the Governments of the Irish Free State and some other countries in the West. Unorganized mill-owning interests and unorganized labour cannot be allowed to disturb the peace of industry or of society. Congress Governments would do well to consider the advisability of early action in this matter.

587

Linlithgow to Provincial Governors on Release of Political Prisoners

Zetland Papers

11 December 1937

In my telegram No. 731-G, of 15th July 1937.¹ I asked you and other Governors in view of the inter-provincial reactions to keep me in close touch with any proposal for the release of prisoners convicted of offences of a political nature and if necessary to give me an opportunity of commenting on it.

Subsequent events have illustrated the extent of the reactions and the need of a concerted policy with regard to such proposals. I trust therefore before accepting the advice of your minister you will continue

¹ Not printed

the practice of consulting me as a rule in cases of this character if any principle of importance is involved. On the other hand, I realise that it is neither necessary nor desirable that every proposal for the release of a person imprisoned for a political offence should be referred to me if you were satisfied that the release will involve no danger to your own or any other Province. It is impossible to lay down any hard and fast rule, but the importance of the case would seem to me largely to depend on (a) the character of the offence, which I should regard as the most serious if it involved preparation for or the use of direct advocacy of violence; (b) the proportion of original sentence already served, which I consider should not be less than two-third; (c) the degree of notoriety which the convicted person attracted at the time of his conviction; and (d) the actual length of imprisonment undergone and its advocacy as a punishment for the offence.

You will understand that the principle which I am anxious to maintain is that the enforcement of law cannot depend to an unlimited extent on the political sympathies of the party in power and that excessive and indiscriminate clemency can only weaken respect for law and demoralise the administration of justice. Should such a tendency become evident it would undoubtedly constitute a grave menace, and I should therefore be glad to hear of any proposed releases which, judged by the general standards indicated above and the principle suggested in my telegram No. 751-G of 18th July 1937, appear to be open to serious question.

588

Pant to Haig Expressing Concern over Parmanand's Case

Haig Papers

LUCKNOW
11 December 1937

DEAR SIR HARRY HAIG,

Thanks for your letter of date which has just been delivered to me. I had decided to leave for Allahabad tomorrow so as to reach there in time to see you in the evening. I am not clear in my mind whether in view of what you say in your letter it is necessary for me to do so. In any case I will be there for the convocation on the 13th.

The case of Parmanand is causing me a great deal of worry. I have

been constantly turning it over in my mind from every point of view. As I indicated at Cawnpore and again while you were here last time, this matter involves several far-reaching issues of great importance. I have also since consulted some of the leading members of the Congress Working Committee and they take a serious view of it. The eliminators have in the interval been trying to discharge their duties without giving any cause for public concern, but I am afraid serious developments are likely to ensue if no way out of the difficulty is found. I shall be grateful if you will kindly give further thought to the matter. I await your instructions.

Yours sincerely,
G.B. PANT

589

Haig to Pant on Difficulties in Reconsidering Parmanand's Case

Haig Papers

11 December 1937

DEAR PANDIT GOVIND BALLABH PANT,

The Chief Secretary informed me yesterday afternoon of his conversation with you on the subject of Pandit Parmanand's prosecution. From this I understood that you had been considering the idea which had been tentatively discussed between us at our last meeting, namely, that the Ministers would accept responsibility for ordering the prosecution, but that owing to the Delhi arrest the prosecution should not be proceeded with. This would, in your view, amount to a serious and public warning that speeches of this kind would not in future be tolerated, and I understood that you would in fact be prepared to state this in explicit terms.

2. Since our meeting, I too have been considering the whole position very carefully, but I fear that the more I examine it the more serious appear to be the difficulties in any solution on the lines described above. As I mentioned to you at our discussion, the practical difficulties would be very serious. Obviously there would be no public justification for not proceeding with the prosecution unless it was clear that Pandit Parmanand was receiving a very substantial sentence in Delhi. Of that I should think there is not very much probability, and certainly it will not be known for a considerable time what the final sentence on him will be.

This alone makes it to my mind almost impossible to withdraw or suspend proceedings against Pandit Parmanand on the ground of the Delhi case. But apart from this, we have to consider what would be the effect on the public mind. I quite appreciate that you would regard the effect of a serious and public warning of this nature as being considerable. I fear, however, that the public judgement would rather fasten on the point that the Government had ordered the prosecution and then on grounds which seemed inadequate had withdrawn from it, in other words, that the impression produced would be one of vacillation, rather than of determination. The more I think over this matter the more I feel that the only sound course is to go through with this prosecution. I believe myself that the prosecution combined with the warnings to be given to the other speakers will prove really effective, and will save the Government from a great deal of embarrassment in the future. Having gone so far, I think it would be a great mistake not to take the final step which will make that policy effective.

3. When I saw Gwynne yesterday evening I understood from him that you were anxious to discuss this matter further, but from the telephone conversation which Donaldson had with you later I gathered that this was not really so and that you had not suggested coming over here to discuss the matter. If you are attending the convocation on Monday and if you think it would be convenient for us to have a talk on Sunday evening, I should of course be very pleased to see you. Monday is going to be I fear a very busy day. Perhaps you would ask your Private Secretary to ring up Donaldson and let me know your wishes about this.

4. I am very glad to see that you were able to convince your party about the action at Cawnpore. I am quite sure what is being done there is essential and will give real prospects of appeasement in a situation that was becoming steadily more difficult and dangerous.

Yours sincerely,
HARRY HAIG

590

Hallett to Linlithgow on Brett's Circular Insisting on Written Orders to Officials

Linlithgow Papers

GOVT. HOUSE, PATNA

12 December 1937

MY DEAR LORD LINLITHGOW,

The local press and also the *Amrita Bazar Patrika* have got on to a document known as "Brett's Circular". Possibly you have seen some of the articles, but if you have not, I enclose an extract from the *Amrita Bazar Patrika* which reproduces the circular. It does not however reproduce the letter with which Mr. Brett sent out his notes to Commissioners, actually in this letter he was careful to explain that the note represented his private views in the matter and did not contain the instructions of Government. Mr. Brett has explained the position to the Prime Minister in a letter of which I enclose a copy. This will, I feel sure satisfy the Prime Minister that Mr. Brett was not trying in any way to short circuit them or to hamper their work. My Prime Minister has not yet said anything to me about it, nor has he replied to Mr. Brett's letter. If he does speak to me, I shall say that I agree with Mr. Brett's explanation of the position and shall point out that the procedure followed is desirable in the interest of Ministers themselves. The local press are silent on the question today, so possibly nothing more will be heard of it, but I thought it right to let you know the facts.

Yours sincerely,
M.G. HALLETT

P.S.V.—I hope this will blow over. H.E. has good reasons to know the difficulty of keeping secret circular to Commissioners.—Linlithgow

CUTTING FROM THE "AMRITA BAZAR PATRIKA" DATED THE 10TH DECEMBER 1937.

WHOM TO OBEY?

Is not Minister's orders to officials valid?

CONSTITUTIONAL CRISIS HEAD

Mr. Brett's Fiat: Insists on signed order from Secretary or Under Secretary.

Mr. W.B. Brett, Chief Secretary to the Government of Bihar it is understood, has issued a confidential circular to Commissioner of Division to be communicated to all district officers. The circular *inter alia* deals with the constitutional position of Ministers so far as issue of orders to district officers is concerned.

"Whose orders are binding on the officials? The circular says that no order to be taken as authenticated which directly emanates from Ministers or purporting to emanate from them."

It also directs "An order acted upon by the District Officers which is not signed by either a Secretary, Under Secretary or Assistant Secretary to Government, will do so at their own risk".

The following is the text of Mr. Brett's circular:

It is understood that in certain cases District Officers and their subordinates have received orders direct from Ministers or orders purporting to come from Ministers, and that they are in doubt as to the proper attitude to adopt when they receive such communications.

The constitutional position is as follows:-

A Minister's function is to advise the Governor: in the great majority of matters the Governor is bound to act in accordance with such advice and in those the Ministers is in fact final authority, but in others Governor is not so bound and final orders cannot issue without his consent.

Under Rule 13 of the Rules of Executive Business of which (a copy is attached¹) an order of Government must be signed by a Secretary, Under Secretary or Assistant Secretary to Government. No order which is not so signed (or telegram which does not come from such an officer) is an authoritative order of Government and an order which purports to issue under any other authority, does so at his own risk. A Ministers' Private Secretary or a Parliamentary Secretary is not a Secretary within the meaning of Rule 13. Officers will realise that where an order comes to them through their superior officer, they must assume that it is properly authenticated though the actual letter from Government in which it is conveyed, may not come to them.

If an officer receives an order purporting to come from a Minister, which does not comply with the requirements of Rule 13, his action should be guided by the circumstances. The order may be a request for information which is urgently required, or it may deal with a semi-personal matter, such as arrangements for a Minister's tours. In such cases there is no objection to complying with the order without requiring that it should be properly authenticated. But in cases which are of a more important nature, and particularly in cases where the order purports to direct final action to be taken, for example, an order to

¹ Not printed

withdraw a criminal case, the officer who receives it, should reply that he wishes to have a written order through the regular channel. He should be careful, however, while waiting for such an order, to refrain from action which would be inappropriate in the event of the official order being to the same effect as the original request from the Minister.

In all cases where an officer receives an order direct from a Minister and asks that it should be confirmed through the official channel, he should send a copy of the order and of his reply to the Chief Secretary as well as to his superior officers.

PATNA

11 December 1937

MY DEAR PRIME MINISTER,

I would like to write you rather more fully than I was able to do on the 9th regarding the note on the meaning of Rule 13 of the Rules of Business.

In the first place, as some of the press comments have implied that His Excellency is in some way concerned, I must state that His Excellency was not consulted by me before I sent the note, nor did he see it. I am sure that you must deplore as much as I do this attempt to drag His Excellency into the matter.

In the second place, the position that under the constitution, officers can legally act on orders of Government which are signed by a Secretary or Under Secretary, is not a new one, nor is it due to the present constitution. A member of the Executive Council was equally incapable of conveying the formal orders of Government. In 1917 when Sir Walter Mande was sent to Arrah to deal with the riots there, he had to take an Under Secretary with him to issue the orders which he found it necessary to pass. I have myself as a District Officer instituted to a Member of Council (also a civilian) that I expected to receive a formal order in writing from the Secretariat confirming certain verbal instructions which he wished to give to me, and I received that order. The position which is explained in the note is therefore one which has prevailed for a very long time, and is in no sense a change introduced to limit the authority of the present Hon'ble Ministers. The reason is that in many cases the execution of a Government order has very important consequences to the public, and may have to be cited in a court. It must therefore be in a form which everyone can recognise as being an order of the Government.

Coming to my own position, I hope you will appreciate the fact that officers very frequently ask me for advice privately on official matters about which they are uncertain what to do. This again has been the

experience of most of my predecessors. The changes which were introduced on the 1st of April have naturally increased the occasions on which officers in the districts felt uncertain what to do, because the methods of work are now in many respects quite different from those which prevailed under the old regime. Consequently, officers have brought difficulties to me privately, and I have given them advice privately. What I wish to emphasise is that the sole object of doing this is to ensure that the administration machine should work smoothly and that the difficulties inherent in any change of system should be adjusted with the minimum friction. Any suggestion that I or any other officers wished to place any impediments in the way of Ministers is the exact contrary of the truth.

The occasion for preparing the note in question was that a number of officers had on various occasions in conversation told me that they were uncertain how to act when they received an order otherwise than through the usual channel and asked for my advice. I gave them the advice which is embodied in the note. Provided that I made it clear, as I did that the note was a private advice and not an official instruction, I can see no difference between my sending it to certain officers whom I could not meet personally, and my giving the same advice to those who consulted me personally. I hope that you will agree that the advice was proper—namely, to act on the order if they could, and if it was an important matter, to ask for confirmation and in the meantime to refrain from action in the contrary sense. I was rather afraid that some impetuous officer, knowing that an order was not technically in order, might compromise a situation for taking final action before a regular order could reach him.

It is of course deplorable that the note should have been published in the press, and no one regrets that fact more than myself the more so because the action of the *Searchlight* newspaper must be very embarrassing to you also, and I do not like that any action of mine should be the cause of difficulty to you.

I am,
Yours sincerely,
W.B. BARRETT

591

Jairamdas Doulatram to Nehru Regarding AICC Resolution on Mysore State

Nehru Papers

12 December 1937

MY DEAR JAWAHARLAL,

You will have received my telegram. I had intended to write yesterday in reply to your two letters so that my reply could reach you on the 13th on your arrival. But the pressure of work in connection with the Textile Inquiry Committee came in my way.

I think Wardha would be the best place for the meeting of the Working Committee. I have always felt that the Working Committee should meet at a place where outside distractions should be the least and members should have the fullest undisturbed leisure to discuss the questions. Gandhiji would not be there and so the meeting will put no burden on him.

I feel that the matter dealt with in your letters are such that personal discussion would be the best method of clarifying things. For this the next meeting of the Working Committee would be the best occasion. I may only say this much briefly in this letter that the Calcutta A.I.C.C. resolution on the Mysore State asks the people to help in the internal struggle within Mysore. The Congress position as outlined in the Madras A.I.C.C. statement (October 1935) and the Lucknow Congress resolution is one of non-participation in the struggle within the State. The Calcutta resolution is thus in conflict with the Lucknow resolution.

I feel that Gandhiji's reference to truth and non-violence in regard to the attitude of the critics of the Madras Ministry in particular is justified. They canvassed hard to prevent the passing of the amendment referring the resolution to the consideration of the Working Committee and tried their best to see that the A.I.C.C. pass the original censure resolution. They would not let the Working Committee go into the matter specially when the person primarily concerned was absent. The speeches also contained many exaggerations and much sweeping condemnation. Such action from colleagues towards a colleague was not fair.

But as I said these matters are not best dealt with in letters. We should have at least a three days session of the Working Committee at Wardha to talk over all matters.

Yours sincerely,
JAIRAMDAS DOULATRAM

592

UP Governor to Governor-General on Prosecution of Parmanand

Haig Papers

12 December 1937

Telegram—Addressed Governor-General repeated Secy of State

Reference your telegram 1453-G dated December 10th and Secretary of State's telegram No. 2927 dated December 11th. On December 10th the Chief Secretary who had arrived in Allahabad for investiture brought me a message from Pant. It was to the effect that the case of Parmanand had been discussed somewhat briefly in the Party meeting on the 9th. I understood that the members of the Party agreed that the speech was very bad and that if anything of the sort were repeated prosecution must be undertaken. Pant's own position is that he is very strongly impressed by the undesirability of any open disagreement between himself and me from every point of view and that it might make his own position very difficult. In order to avoid such a position he would be prepared to accept responsibility for having ordered Parmanand's prosecution provided use was made of the Delhi arrest not to proceed with the sedition case. He was apparently prepared to state publicly in explicit terms that if similar offence were repeated prosecution would be carried out, and he was confident that the party would back him up on this. I wrote to him on December 11th with reference to this message that I had been considering the whole position very carefully but that the difficulties in any solution on those lines appeared to me very serious. There would be no public justification for not proceeding with the prosecution unless it was clear that Parmanand was receiving a very substantial sentence in Delhi. Of that there was not much probability and it could not be known for a considerable time what the final sentence on him would be. This made it to my mind almost impossible to withdraw or suspend proceedings against Parmanand on the ground of the Delhi case. I said I quite appreciated that he would regard the effect of a serious and public warning of this nature as being considerable. I feared however that the public judgement would rather fasten on the point that the Government had ordered the prosecution and then on grounds which seemed inadequate had withdrawn from it; in other words that the impression produced would be one of vacillation rather than of determination, and I said in conclusion that the more I thought over the matter the more I felt that the only safe course was to go through with the prosecution.

2. I have received this morning a reply from Pant in which he says that the case is causing him great anxiety. As he had indicated at Cawnpore the matter involves several far-reaching issues of great importance. He goes on "I have also since consulted some of the leading members of the Congress Working Committee and they take a serious view of it. The Ministers have in the interval been trying to discharge their duties without giving any cause for public concern, but I am afraid serious developments are likely to ensue if no way out of the difficulty is found. I shall be grateful if you will give further thought to the matter."

3. Pant is coming to Allahabad for the convocation tomorrow and I shall see him in the morning. I intend to maintain my position which I agree is the only course possible. It looks to me as if Nehru may have stiffened him up considerably.

593

Governor-General to Secretary of State on Amendments in Act Regarding Federal Fiscal Matters

L/PS/13/615

12 December 1937

*Telegram from Governor-General to Secretary of State for India,
dated 12th December 1937.*

401 GC. I am very grateful to you for your telegram No. 2634 of 1st November 1937 and for consideration which you have given to the questions discussed in my letter of 19th August. We are, as you say, entirely at one in our desire for early attainment of federation, and I, for my part, am more than ever convinced that speed is essential if we are to achieve success. I fully appreciate force of your remarks as to desirability of exercising all possible prudence in the matter of legislative proposals to be laid before Parliament and of avoiding any amendments which might appear incompatible with scheme of the Act. After careful consideration in the light of what you say, I am now in hope that we shall be able to dispense with all controversial amendments: I believe States' point of view in matters of fiscal importance can be satisfactorily met by means of limitations on the lines drafted by Rowlatt, for whose services I am very greatly indebted to you. Recourse to limitations rather than to amendments offers, as I am sure you will agree, a great tactical

advantage, since situation would vastly deteriorate if States declined to be satisfied once we had gone to the length of amending the Act. Though it is not, of course, possible to give anything in the nature of a positive assurance in this matter, I have reason to hope that States will be content with protection afforded in fiscal matters by limitations, &c., now proposed.

2. I now deal seriatim with various items where "*status quo* principle" is concerned.

(a) *Excises*—The sliding scale which you suggest is in many ways an attractive solution and I have no difficulty in appreciating arguments in its favour. But I am convinced that States will not consent to federate unless an arrangement is made for them to retain as a permanency the benefits which they now derive in the matter of central excises. As I pointed out in my letter dated 19th August, the vast majority of States have made it clear that they regard this as an essential condition of accession; recent informal conversations have only served to confirm this impression. Fact is that States have assimilated these existing sources of revenue in their budgetary systems and they have, generally speaking, no hope of expanding their revenues in other directions so as to replace these receipts, either now or after an interval of 10 years. Nor are they unaware of fact that they are in a strong position in this regard; they are not blind to reasons which originally led Government of India to give them a proportionate share in the match excise, and they are shrewd enough to realise that, unless States are persuaded to co-operate by offers which they regard as reasonable, the difficulties in the way of developing a successful central excise policy are almost insuperable.

I would also draw your attention to your predecessor's telegram dated 14th March, subsequently published in White Paper of March 1935, in which it was stated that the question of attachment of conditions of acceptance of item 43, now item 45, could be considered in connection with negotiations for Instrument; provisions of section 140, on which objections are largely founded, were in existence as section 137 of the Bill at that time.

I therefore strongly recommend that, in matters of excises, States should be allowed to accede with a limitation following lines of that attached hereto (Appendix A). It does not appear to me that there is, from a practical point of view, any very wide divergence between this solution and sliding scale that you have suggested. It may safely be assumed that once Federation has come into being persistent pressure will be brought to bear, by the Provinces and States alike, for distribution to units under section 140 of the Act. You will observe the reference to this section in limitation now proposed; the practical result is likely to be that any exceptional advantage accruing to States will,

before long be minimised, thus effecting to a great extent the purpose that your sliding scale is designed to achieve.

As regards matches, some States may raise objection that limitation proposed does not fully secure *status quo*. Since federation may decide not to apply match excise law to particular States, and thus deny such States a share. It should be possible, however, to meet this objection by pointing out that even now States are not safeguarded against this possibility....

Sugar excise directly concerns only a limited number of States, amongst which there is a still smaller number which at present receive revenue not merely from their own consumption, but also from sugar freely admitted into British India. In the case of the latter it is proposed to negotiate pre-federation agreements whereby States' privileges will be bought out in return for fixed payment. The details of such offers will be communicated for your approval in advance as soon they have been worked out.

3.(b) *Corporation Tax*—The sum involved here is not of any substantial significance, amounting only to about Rs. 10 lakhs per annum. Only two States are seriously involved, Mysore and Indore. I recommend that States concerned should be allowed a limitation on the lines of that appended (Appendix B). I am well aware that this proposal is more open to criticism; the period of 10 years prescribed before corporation tax comes into operation was no doubt designed to provide an interval for adjustment. But I have already indicated in my letter dated 19th August the adverse financial effect which federal accession without appropriate reservations will produce as regards Mysore. The hard fact remains that without a limitation as now recommended one of the most important States in India cannot be expected to accede.

Mysore have, moreover, drawn pointed attention to statement contained in Secretary of State's memorandum accompanying his telegraphic despatch of 14th March 1935, that question of attachment of conditions to acceptance of corporation tax could be considered in connection with negotiation of terms of Instrument of Accession.

4.(c) *Customs* —In my view the defence of *status quo* principle in the matter of Sea Customs should present no serious constitutional difficulty, provided, of course, that a State like Bhavnagar, which now enjoys an agreement violently at variance with federal interests, is not allowed to accede on that basis. This was evidently the view of Joint Parliamentary Committee, and the Act itself (*vide* section 147) appears plainly to contemplate that a State continuing to levy its own Customs should not be debarred from federating.

Still it is an undoubted fact that retention of such rights not only amounts to a regrettable departure from federal ideal, but may

materially affect finances of the Federation. It is, I think, incumbent on us to do our best to clear up the position. I am at one with my advisers in holding that our first endeavour should be to buy out the rights of the maritime States concerned. This endeavour will, I can safely assume, meet with your complete approval, and I am not without hope that we shall succeed. It can be pointed out to the States that a solution on this basis would safeguard them against effects of a high protective tariff; moreover, the receipts now derived by maritime States from Customs on goods consumed in internal States, which receipts are not secured by their existing agreements, could be taken into account, though not too obtrusively, in any settlement reached.

The States concerned could be informed that perpetuation of such Customs agreements contracted before Federation is not likely to present difficulty in the way of their accession. And though Customs would by these agreements be the Customs of the Central Government, the States could under suitable conditions be allowed to collect them and exercise administration. Details will in each case be worked out and communicated to you for approval before an offer is made.

Payments due under such pre-federation agreements could, I think, be legitimately included in His Excellency the Crown Representative's Budget under section 145.

5. It is of course impossible to predict that our proposed negotiations with the States will be successful. In view of importance of time factor, protracted bargaining will in any case not be practicable. Question remains what action should be taken if we fail to buy out the States rights by pre-federation agreements. Here there is a distinct divergence of opinion, the two alternative suggested being as follows:—

(1) The States should be permitted to accede for Customs with a limitation as the lines of that attached (Appendix C). In support of this it is urged that limitation suggested amounts to definite advance on the present position from the point of view of the Central Government.

(2) The other view is that held by Finance Member, who considers that limitation proposed secures a bare right of inspection without any provision to enforce rectification of abuses other than recourse to penal provisions of agreements themselves, while it would also bring disputes arising from such action within the purview of Federal Court and thus tend to jeopardise all effective remedies. Failing limitation, which in addition to preserving *status quo* under agreements, would give Federation the requisite authority to enforce action shown to be necessary by inspection, the Finance Member would prefer that maritime States should not accede for Customs. At the same time he holds that such non-accession renders highly doubtful the admissibility of these States to Federation when taken in conjunction with other

limitations in fiscal sphere. Indeed, his view is that, failing a commutation of agreement, or a more substantial accession than that provided by proposed limitation, these States should not be permitted to federate.

I do not accept the Finance Member's view that States should not be permitted to enter the Federation, either with a limitation of the kind proposed in Appendix C or without acceding for Customs at all. On assumption that you agree with my view, I am content to leave to you the choice between the two alternatives mentioned above, namely, the acceptance of a limitation on the lines suggested and non-accession for Customs item. I would only remark that I am myself disposed to prefer former alternative, particularly in view of fact that for reasons which I state below, I propose to adopt solution of non-accession for Salt, and possibly in a limited number of cases for Post Offices.

6. *Salt*.—After a careful study of this complicated question, I have come to the conclusion that best practical solution is that States should not be required to accede for Salt. (If they do so accede they should be made to accede unconditionally.) The existing agreements protect position adequately for practical purpose. If limitations are devised to preserve these agreements, they will come within purview of Federal Court and most of them must be regarded as totally unfit for judicial interpretation. In many cases, States complain that these agreements have been forced on them. Great difficulty must, therefore, be anticipated in any attempt at reaching revised agreements without a surrender of substance to the States, and any such endeavour would involve very considerable delay. The fact is that, by a complicated network of engagements, we have already arrived as regards Salt at a position reasonably conforming to federal requirements. Whatever theoretical advantage might be involved, it would, in my opinion, be not only unprofitable but dangerous to try and improve on this position. The situation should admit of explanation without any very great difficulty and we have an abundance of more urgent problems on which we can more usefully concentrate our attention.

The only other important item for which I am disposed to recommend, for more or less similar reasons, that certain States should not be required to accede is Posts. The States concerned are only 15 in number. This question will form the subject of a separate reference.

7. This covers all important outstanding fiscal rights with which we are now concerned. As regards Federal Court, I should be prepared, subject to what is said above, to take whatever risk there may be in allowing it jurisdiction in these matters. It must be remembered that the great majority of States are in favour of this procedure. If we are to avoid any controversial amendments designed to meet the wishes expressed by States, there is an obvious objection to incorporating, against their

wishes, an amendment aimed at exclusion of Federal Court's jurisdiction. Such action might in many cases prove a serious deterrent to Federation.

8. I would suggest that, in order to meet, as far as appears practicable, the views of the States in this matter of providing additional protection for their rights, the draft paragraphs which I attach (Appendices D and E) should be included in the Instrument of Instructions to Governor-General and in Instrument of Accession. An addition to Governor's Instrument of Instructions similar to that proposed in the case of Governor-General is also recommended.

9. As regards method of approach to States, it appears to me that in the circumstances which now exist we should defer, until we have arrived at conclusions on major matters, any communication to the States relating to questions of lesser importance. These minor questions may perhaps require reconsideration.

I regard it as of the utmost importance that we should come to a decision on crucial issues at earliest possible moment so that States may not lose interest in the proceedings. Frankly, I can see little prospect of substantial advance unless claims of States are met in the main directions which I have indicated. There seems no likelihood that States will be influenced in the near future by an anticipation, such as you suggest, of unpleasant political consequences resulting from their refusal to federate. As you are well aware, they are not in their hearts enamoured of Federation, and they are disposed to take at their face value the anti-federation utterances emanating from British Indian politicians. I agree with you that, in the light of experience, special responsibilities can only be used to secure ends which are clearly equitable. While I do not regard any of the proposals now made as seriously inequitable in the circumstances existing, I cannot help believing that any initial inequalities will tend to be modified as time goes on. There is reason for hoping that, if extent of accession which we secure at the outset falls short in various respects of federal ideal, these deficiencies will later on be susceptible of adjustment by subsequent agreements.

APPENDIX A

DRAFT EXCISE LIMITATION

"The matters specified in paragraph 45, subject, in the case of goods of any particular class, to limitation herein after specified to secure to this State its standard excise revenue, as hereinafter defined, from goods of that class.

"In provisions of this Schedule relating to excise duties, the expressions 'standard excise revenue' and the limitation hereinafter

specified to secure to this State its standard excise revenue have, in relation to goods of any particular class, the following meanings:—

“‘Standard excise revenue’ means an annual revenue equal to sum, if any, which this State obtained from, or as its share of excise duties on, goods of class in question in respect of year ending on 31st March 1937;

“‘The limitation hereinafter specified to secure to this State its standard excise revenue’ means the limitation that no Federal law with respect to excise duties on goods of class in question can have effect, unless it contains a provision requiring and empowering Governor-General to make such modifications, if any, in other provisions thereof as are in his opinion necessary to secure—

“(a) that this State will be able to levy such excise duties on goods of that class as well, together with any sums received from Federation in respect of excise duties on such goods (whether under section 140 of principal Act or by means of special grant from revenue of Federation) bring in to this State a revenue equal to standard excise revenue of this State from such goods; and

“(b) that total excise duties of such goods are not higher in this State than in British India.”

APPENDIX B

DRAFT CORPORATION TAX LIMITATIONS

“The matters specified in paragraph 46, subject to limitation that no Federal law can have effect unless it contains a provision empowering and requiring the Governor-General to make such modifications, if any, in other provisions of the law as are in his opinion necessary to secure—

“(a) that income of any corporation, all the share capital of which is in beneficiary ownership of Ruler of this State, is exempt from taxation;

“(b) that net annual yield of tax in this State to Federation is less than it would be if it were levied at the same rates and on the same condition as in British India by the amount of the net yield of tax to the State in the year ending on 31st day of March 1937.”

APPENDIX C

DRAFT CUSTOMS LIMITATION MARITIME STATES

“The matters specified in paragraph 44, but as respects customs on importation or exportation of goods by sea (otherwise than through port of Cochin) subject (except so far as other provision is made by any agreement hereafter made between Ruler of this State and Federation with assent of His Excellency the Crown Representative) to limitation that no Federal law can do more than provide for Federal inspection of Customs

administration of this State with a view to securing proper working of agreements subsisting with respect to Customs immediately before establishment of Federation (and as respects land customs duties subject to limitation that no Federal law can have effect unless it contains a provision requiring and empowering Governor-General to make such modifications, if any, in other provisions of law as are in his opinion necessary to secure to this State the right to continue to levy the same land custom duties as were being levied by this State in year ending on 31st day of March 1937."

Note:—Words in brackets about Cochin to stand only in the case of Cochin (not Travancore); and then only on assumption that rights of Cochin to a share in Customs revenue are bought out for a fixed payment.

Other words in brackets only to be allowed in case of States now levying internal Customs.

APPENDIX D

DRAFT PARAGRAPH OF INSTRUMENT OF INSTRUCTIONS OF GOVERNOR-GENERAL

"In the discharge of his special responsibility for the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof, Our Governor-General shall, in relation to all the rights heretofore or hereafter recognised, whether derived from treaty, grant, usage, sufferance or otherwise, have due regard to the principles and policy which have in the past guided Us and Our Predecessors as Paramount Power, and shall in particular construe that responsibility as requiring him to see that no action is taken which would imperil or tend to imperil the economic life of any State, or would unjustly discriminate against any State; and case of a Federated State he shall regard that responsibility as extending to matters with respect to which Federal Legislature has power to make laws for the State as well as to other matters".

APPENDIX E

STATES' RIGHTS: DRAFT CLAUSES IN INSTRUMENT OF ACCESSION

8. Nothing in this Instrument affects continuance of my sovereignty in and over this State or, save as provided by this Instrument or by any law of Federal Legislature made in accordance with the terms thereof, the continuance or exercise of any of the powers, authority rights now enjoyed by me in and over this State.

11. Without prejudice to the provisions of this Instrument relating to the continuance and exercise of powers, authority and rights now enjoyed by me in and over this State, I hereby declare that I do not by

this Instrument abandon any rights of this State or its Ruler except so far as they may be inconsistent with my accession by this Instrument to the Federation as established by Act or with the power conferred by this Instrument on the Federal Legislature to make laws for this State, and that I rely, in relation to that power of Federal Legislature (as in relation to other matters), on exercise by the Governor-General, in accordance with instructions of His Majesty, of his special responsibility for protection of the rights of any Indian State and rights and dignity of the Ruler thereof.

(Add in the case of Gwalior and any other States which may decide to waive specific military guarantees:

"Provided that nothing in this paragraph affects my waiver, recorded in the Second Schedule to this Instrument, of certain specific military guarantees

Telegram from Governor-General to Secretary of State for India,
dated 13th December 1937

404 GC. My telegram No. 401 GC, 12th December. I ought to explain that limitations as drafted are governed by following paragraph which Rowlatt proposes as note at the end of First Schedule to Instrument of Accession. It enables phraseology of Schedule to be considerably shortened by omission everywhere of words limiting operation of limitations to State:—

"In this schedule, the references to paragraphs are references to paragraphs in list 1 in the Seventh Schedule to principal Act, and references to Federal laws shall be construed as references to Federal laws in so far as they operate in or in relation to this State and derive their validity from accession of this State to federation."

594

*UP Governor to Governor-General on Controversy with Ministry Regarding
Parmanand's Case*

Haig Papers

13 December 1937

With reference to correspondence ending with your telegram No. 408/GC, dated December 12th,¹ on the subject of Parmanand's prosecution, I had a long conversation with Pant this morning.

¹ Not printed

Regarding the merits of the question we went over much of the old ground, and he stressed once more his objection in principle to prosecuting without giving a previous warning. He said that if a previous warning were given, he would not shrink from prosecution, and considered that he would have no difficulty in justifying his position to his followers. He definitely repudiated the suggestion that while a system of warning would put off action, there would be the same difficulty and reluctance to take that action when a warning was disregarded. He pressed again the opportunity afforded by the Delhi case to confine action against Parmanand to a warning which, in his view, in the light of the fact that prosecution would have actually been or ordered, would be taken as a serious indication of the intentions of the Ministry.

2. I indicated that I did not see any possibility of a solution on these lines, and I invited him to discuss the possibilities of the situation in the event of my insisting that the prosecution must proceed. He said that there were three possibilities—

- (1) that he would accept responsibility for the action;
- (2) that he would disclaim responsibility and make it clear that the responsibility was mine and that the Ministers did not agree;
- (3) that the Ministry would resign.

3. We felt very strong objection to course No. (2). He said that it would have a most damaging effect from the point of view of the administration, the services, and the public generally, and would make his own position very difficult. Though he did not refer to the general policy of the Congress and put his views entirely on the basis of his own personal convictions in this matter, it does seem to be likely that the Congress would regard it as damaging to their position to have to admit that a Governor had used his special powers and that they had accepted the situation. In any case it seemed to me clear from what he said that he ruled this alternative out.

4. As between the other two, I put to him very definitely the effect of the termination of all the fruitful activities which were now being pursued by the Congress Ministers, and the incalculable results on the province of breakdown of the constitution which would presumably follow from his resignation. He said that he fully realised all these things, that he had been thinking about them constantly, and that he would not take any rash decision. But he left me with a very clear impression that this possibility is certainly not one to be ruled out. I do not think that if he took this action he would be taking it at the instance of the Working Committee, but as a result of his own convictions and policy. I had thought before I saw him that he might be bluffing, but I formed a very clear view from our conversations today that he was not bluffing nor

threatening and that he might, in spite of all the consequences, finally decide on this course of action.

5. I put it to him that the occasion for producing such far-reaching consequences seemed quite out of proportion to the results that would ensue, and I tried to get from him his real objection to proceeding with the prosecution. I asked him definitely whether he anticipated serious trouble with his followers. He said that if this meant, would they pass a vote of no-confidence on him, the answer was No; but that there was a large body of fluid opinion between the right and left wings that would be influenced against him by this prosecution, and that his position for the future would become decidedly weaker and that later on the results would make themselves apparent. He also referred to the action which he has publicly supported in Cawnpore, which of course has been most satisfactory and has definitely improved the general situation and produced a much needed impression that the Ministry are prepared to deal with a serious menace to order. He said that while his followers would swallow one thing, they would be naturally reluctant to swallow two. I could not make up my mind whether his difficulty about accepting responsibility for the prosecution is primarily one of his own personal convictions, which are undoubtedly very strong and on which he seems prepared to act with some disregard of consequences, or whether he is worried about his followers; and even at the end of our conversation I could not fully realise why he shrunk so much from a prosecution without warning. He told me that he had had all these things in his mind when he saw me at Cawnpore, but that it was a weakness of his to understate his position.

6. I did not absolutely and finally tell him that I could under no circumstances agree to the case being withdrawn in the event of a substantial sentence at Delhi, though I gave him clearly to understand that I did not see any possibility of doing so. He is staying here till the 16th and I shall have to have a further conversation with him before he leaves. I asked him whether he had talked all these things out with the other Ministers. He said he had consulted them in a general way, but had not put the issues to them quite as starkly as they were discussed between us. Nehru arrives in Allahabad tomorrow evening, and undoubtedly he will consult him on the 15th and 16th. I thought it desirable to let Your Excellency know the position in as full detail as possible at once. I do not think I am misjudging the situation when I say that it seems to me there is a very definite possibility that he will resign, even though to us the grounds would appear most inadequate. One of the points that seemed to worry him was the possibility of being landed in other prosecutions. I told him that in my judgment if this prosecution were carried through and certain other warnings were given, we should

create an impression which would discourage further speeches of this type, and that was one of the reasons why I felt it was so important to take firm action at this stage, as otherwise the situation might steadily deteriorate. He is, however, I think, definitely nervous that bad speeches might continue to be made, and that he would be gradually drawn into a policy of extensive prosecutions. I do not myself anticipate such a development.

7. As there is a possibility that within a week or ten days the Ministry may resign I must consider at once with Your Excellency the action required in that event.

Yours sincerely,
H.G. HAIG

595

Subhas Bose to Nehru for Adoption of First Two Paragraphs of Bande Mataram as National Anthem

Nehru Papers

13 December 1937

Sir,

I have been authorised by the Executive Council of the Bengal Province Congress Committee to bring to your notice the state of public feeling in the province in connection with the Bande Mataram controversy. This decision was taken by the Executive Council on my suggestion, as a substitute to a resolution which had been tabled by Prof. Rajkumar Chakravarti to the effect that the B.P.C.C. do recommend to the A.I.C.C. that the first two stanzas of the Bande Mataram song be adopted as the National Anthem of India.

The position is as follows:—

- 1) The Nationalist press with very few exceptions, is strongly opposed to the Working Committee's decision.
- 2) Public meetings are being held and processions taken out as a protest against that decision.
- 3) Women are taking a prominent part in those demonstrations.
- 4) The Mofussil districts are also voicing their resentment against the decision.
- 5) Most of the prominent litterateurs in the province (whose meeting I attended on invitation) are equally opposed to the decision and repudiate the Poet so far as this matter is concerned.

From all talks and discussions I have had with members of the public,

I feel that it was an unfortunate thing to bring in the question of a Sub-Committee in the Working Committee's resolution. People have taken this to mean that the Bande Mataram is going to be dropped once for all before long and that the present resolution is but the thin end of the wedge.

I have tried to disabuse their minds of any such apprehension and have stood up for the Working Committee's resolution.

In spite of all the excitement and agitation which is now visible in Bengal, I believe that 80 per cent of the politically minded people will feel satisfied if the first two stanzas of the Bande Mataram song are officially adopted as the National Anthem. I was, however, given a warning by the litterateurs, (and I think Sjt. Ramananda Chatterji may be classed among them) that in no circumstances will they agree to any mutilation of the song.

The Working Committee's decision has had a favourable effect on the nationalist Muslim opinion in Bengal and that has been my strongest argument in all the discussions I have had with the protagonists of the Bande Mataram song.

It is difficult to say categorically what the nationalist Muslim reaction in Bengal will be if the two stanzas are adopted as the National Anthem. But, on the whole, I feel inclined to think that if we proceed with due tact and caution, nationalist Muslim opinion may fall in line with it.

I should have addressed you on this question long ago and I regret the delay.

Yours cordially
SUBHAS C. BOSE
(President, B.P.C.C.)

596

*Haig to Linlithgow on Action to be Taken in Event of Ministry Resigning on
Parmanand's Issue*

Haig Papers

14 December 1937

MY DEAR LORD LINLITHGOW,

With reference to para 7 of my secret letter No. U.P.-40 dated December 13th,¹ I put down certain ideas which have occurred to me regarding action in the event of the Ministry resigning.

¹ See No. 594

2. *Issue of Statement.* I shall have to issue a full statement as quickly as possible explaining the course of events which have led up to the crisis. I should propose to start from the release of the ex-Kakori prisoners and the general policy of relaxation of control followed by the Ministry, with its effects on the province generally. As the statement would be of great importance, I should like, if Your Excellency thinks it would be advisable, to send you the draft in advance for any comments or suggestions you may have.

3. *Attempt to form alternative Government.* Apart from the Congress Party there are two other parties in the Législature:

- (a) a miscellaneous party headed by the Nawab of Chhatari;
- (b) the Muslim League Party.

I am not familiar with the exact strength of these, but I think that Chhatari's party is probably slightly the larger. I do not think there is the least possibility of either of these or the two in combination being prepared, or able, to form a ministry, but I presume it would be right for me to send for the leaders of each of these parties separately and ask them whether they are prepared to form the Government.

4. *Issue of Proclamation.* On the failure to form an alternative Government, it will be necessary for me to issue at once the Draft Proclamation under section 93(1) assuming all powers to myself.

5. *Advisers.* As I intimated to Your Excellency when this matter was under discussion before, I should propose to appoint two Advisers on a salary of Rs 4000/- each.

6. *Draft Ordinance.* It is not clear what line the Congress would take immediately in the event of the Ministry resigning. There will probably be some lull during which they would be deciding on their policy and making preparations for carrying it out. It would, I think, be very inadvisable for us during this period to take action which could justly be criticised as provocative. If they are to go into extreme courses, it must be clear that their action was voluntary and has not been forced upon them. Moreover, the Ordinance presupposes, I understand, the existence of an emergency, and it would not be justifiable to issue it until a definite situation had arisen. I should, however, propose to proceed at once with the consideration of the practical steps that would be required if a situation arose justifying the issue of the Ordinance.

7. *Immediate dangers.* Even without a definite decision on the part of Congress to launch a revolutionary movement, the situation might require special action under the following heads in particular:

(a) *The activities of Communists.* I am inclined to think that though we have no special legislation enabling us to detain such persons we could probably deal with them effectively under our existing powers. This, however, is a view which will require to be considered very carefully with my officers.

(b) *A no-rent campaign.* There is already a very general reluctance of tenants to pay rent and in some parts of the province even the exhortations of my present Government may very possibly not be fully effective in securing that rent will be paid. If the Ministry resign, it seems to be almost certain that the Congress workers in villages will, without necessarily any direction from above, intensify their exhortations to the villagers not to pay rent, and a serious situation might develop rapidly. Indeed this is probably the way in which the conflict with Congress would start. We have under our Special Powers Act of 1932 certain powers for dealing with a no-rent campaign. Whether these would be fully adequate, I cannot at the moment say. But as soon as there were clear signs of the development of a no-rent campaign on a large scale, I think it is likely that the Draft Ordinance would be required at once.

8. *General policy towards Congress.* There are likely to be considerable embarrassments in deciding on the attitude to be taken towards Jawaharlal Nehru, and all India considerations of importance would be involved. But it is clear that trouble with Congress cannot be handled without involving Nehru vitally.

Yours sincerely,
H.G. HAIG

597

Linlithgow to Haig on Line of Action Regarding Release of Political Prisoners

Linlithgow Papers

VICEROY'S CAMP, CALCUTTA
15 December 1937

[SECRET]

MY DEAR HAIG,

I started a reply to your secret letter of the 9th December,¹ No. U.P.-37, in the train, but I had not had time to complete it before I received your somewhat disturbing telegram of yesterday about your further discussion with Pant on this matter of Parmanand. I have telegraphed, as you will have seen, to the Secretary of State, but my own judgment is at this stage still that, if we are not to be driven off this point for good, we must stand firm, though I am fully alive to the difficulties, and though, too, as you know, no one is less anxious than I am to have

¹ Not printed

to face a breakdown. My whole policy has throughout been to avoid that contingency as long as possible and to concentrate on making clear to Ministers, as you did in your interview with Pant, how great are the opportunities open to them and how full and sympathetic the assistance they can count on within the scheme of the Act. Your estimate of Pant's personal reactions is of great value, and in particular your suggestion that this is a personal attitude rather than the result of instructions from the Working Committee. For the moment there is no more to be said. I await, with great interest, your account of the further talk which you anticipated having with him.

2. I am glad that you have taken the line you have with Pant over the release of "political" prisoners generally. I have, with some searching of mind, agreed to the release of two prisoners whom Hallett was anxious to enlarge and in respect of whom he had ascertained that neither you nor Brabourne felt any apprehension so far as the United Provinces and Bengal were concerned. Looking to the future, however, I feel that the wise course for us will be to take a stricter view than we have in the past with the type of undertaking of good behaviour which can be regarded as a satisfactory precedent to release, and I am putting this point to Governors individually. What I have in mind is that we should require not merely the general abjuration of terrorism, which even the more extreme elements now seem to find little, if any, difficulty in giving, but as specific an undertaking as possible in respect of resort to mass violence or to methods of violence. We are to this extent on strong ground in requiring an undertaking in regard to violent action, that in doing so we are in line with the policy which has been laid down by the Mahatma himself, and I think, having regard to possible developments in Bengal in particular, that we shall do well, as I have mentioned above, to make a satisfactory declaration of this character a condition precedent to any releases which it may be necessary for us to consider in the future. I am considering Hallett's request for permission to enlarge certain other prisoners on grounds of health in the light of your telegram suggesting the relevance of any decision to release to your difficulties over Parmanand.

3. Pant seems to have got away from his party meeting on the 9th more successfully than you had reason to anticipate on the date of your letter now under reply, and I should have thought that the fact that he had been able to stand up to criticism ought to have heartened him a good deal. On this matter of labour conditions I do strongly suggest that the wise course is to continue to press him over and over again; for I feel little doubt that an improvement in labour conditions, if not the whole answer to the situation, represents so considerable an element in the problem which faces us that if successfully grappled with it may well

materially reduce the difficulties which confront your Government in this area. I am much impressed by the importance attached in not wholly dissimilar circumstances to the improvement of conditions, and in particular the improvement of housing, by the Bombay Ministers.

4. I am glad to hear what you tell me of the improvement in the attitude of the Premier and Dr. Katju towards the police and I hope that this will continue.

5. In paragraph 4 of your letter of the 9th December you touch on this question of the position in regard to the collection of rents, and I have since had your letter No. U.P.-38 on the same subject. I would like to suggest for your consideration the desirability of insisting on your being fully and immediately posted in regard to the revenue position. I do not know whether your system in the United Provinces would admit of, say, a weekly progress report to the Governor, but I do strongly feel (and I think that you will agree with me) that at the stage which things have reached it is of vital importance that we should know exactly how these revenue collections are proceeding, and I should have thought that from the point of view of enabling you to bring stronger pressure upon Ministers in the matter, a graph of this type would be of the utmost service. Would you let me know what your judgment is as to the practicability of an arrangement on these lines?

6. I am very glad that Mrs. Pandit has broken the barrier as regards entertainments. My wife wrote to her about the Tuberculosis Appeal, and indicated to her that she would be very glad if Mrs. Pandit would come and stay in the house in connection with it, though she fully realised that political considerations might make that difficult and would in those circumstances entirely understand it if she felt unable to accept an invitation of this type. She has had a very friendly reply which, to my interest, by no means excludes the possibility of Mrs. Pandit coming to stay. We can do nothing more about this until my return to Delhi at the end of January, but we both feel that if she were to accept an invitation from us it would be a marked step forward. I am of course keeping the fact that there has been any correspondence of this nature entirely confidential at this stage. I am most grateful to you, and so is my wife, for the great help you are giving us over the Appeal. I quite agree that Mrs. Pandit would make an excellent President of your Appeal Committee.

7. I gather from references in the press that your Cabinet have now got to the stage of contemplating a prohibition experiment in some six districts. My advice to you would be to fight for as small and as intensive an area of experiment as possible. Rajagopalachariar, who in this as in other respects has shown wisdom, has as you will remember confined himself in the first instance to a single district in Madras, and I have no doubt

that that is the right course to follow. I am sure that you will have lost no opportunity of impressing on Pant and his colleagues how much easier it is to sacrifice revenue of schemes of this nature than to fill the gap thereby created, and I am glad to think that Pant should show signs of realising that the financial position is not likely to be entirely comfortable. You mention in your letter his reference to a possible cut in the pay of the Services. I have been going into the whole of this matter in great detail in the light of specific proposals which have been adumbrated by Rajagopalachariar, and of a hint of specific proposals which has been given by Kher in Bombay; and I have referred a number of points to the Secretary of State for his consideration. In the light of his views I hope that it may be possible to assist Governors by indicating a general line which, subject to differences in provincial conditions, would admit of being adopted in dealing with proposals of this character.

8. I appreciate the feeling likely to be caused among landlords and old-fashioned loyalists by the decision of the Cabinet to put an end to the existing honorary magistrates and honorary assistant collectors, but I hope that the methods of appointment defined in the new rules which have been framed are such as can be regarded as satisfactory.

Yours sincerely,
LINLITHGOW

598

Robert Reid to Linlithgow on Disquieting Position of the Ministry

Linlithgow Papers

GOVT. HOUSE, SHILLONG
16 December 1937

DEAR LORD LINLITHGOW,

This is in continuation of my last Report No. 29, dated December 4th, 1937,¹ to which I have Your Excellency's reply of the 10th December. The present position as regards the Ministry is, I am sorry to say, rather disquieting and I enclose a separate note on the subject. I shall probably have to write further on the subject in a few days, and shall in any case be grateful for any advice Your Excellency may be disposed to give.

2. I have no more information to give about Pawsev's expedition as

¹ Not Printed.

his written report has been delayed on account, I imagine, of his having gone off for some further tour.

It is good news that the Tawang Expedition has been sanctioned, and we can now get on with the preliminary arrangements.

3. I was very interested to read the enclosure to your letter regarding the steps which have been taken in Sind in connection with relations between Members of the Assembly and District Officers. The necessity of issuing any instructions here has not arisen yet, but it will be most useful to have this precedent as a guide.

4. I had a little problem recently arising out of the Governor's powers under Section 299(3) of the Act and I enclose a note which I wrote on the subject on the file which, I think, is self-explanatory. Perhaps I am making more of it than is called for, but it seemed to me to be a case on which it was rather difficult to arrive at correct conclusion and I think the matter may interest you. The Bill concerned was a Private Member's Bill.

5. The Assembly has been sitting since the 8th of December and has been mainly occupied with Private Members' business, both Resolutions and Bills. The Assam Legislative Chambers (Members' Emoluments) Bill, 1937, as amended by the Legislative Council, came up for consideration on the 14th of December, but the Assembly by a considerable majority threw out the motion that it be taken into consideration. The Bill, therefore, will now go back to the Council for further consideration. What happens next is not very clear. As I read Section 74(2) of the Act, it is arguable that a period of 12 months must elapse before the Governor is entitled to summon the Chambers to meet in a joint sitting. The Premier takes the view that, supposing the Council sticks to its previous opinion, then on practical grounds there is no reason to wait for the 12 months to expire. The matter is being examined by our legal advisers and I feel it may be necessary to make a reference to the Central Government.

One matter which is troubling the Premier is in connection with a demand for a supplementary grant which he is putting in tomorrow in order to meet the charges on account of Commissioners' staffs for the period between the date on which that demand in the budget was thrown out and the end of December. It was decided by the Ministry to retain these staffs for this period. Sir Muhammad fears that discussion of this supplementary demand may be refused on a point of order, *i.e.*, that when a grant has been definitely cut out, it is out of order to put in a supplementary demand on that same account. If so, the question will arise whether my special responsibilities will not be attracted in order to enable the persons concerned to draw their pay for this period. Obviously they must be paid.

6. There is nothing of very great interest to comment in respect of Nehru's visit. He toured extensively in Assam and addressed an enormous number of meetings. On the whole his utterances were restrained, and I do not suppose that Assam opinion was generally very pleased at the way in which he told them that what they regard as burning questions were really of comparatively little account. I was a little surprised at the way in which the Planting Community went out of their way to make themselves agreeable to him, *e.g.*, they invited him to a Party at Jorhat Club and in general were definitely cordial to him. I understand that these were individual arrangements and were not part of a general policy laid down by the Industry as a whole. In fact I rather gather from conversation with Mr. Griffiths that the Indian Tea Association has some misgivings on the subject and will arrange in future that this sort of thing is done according to some pre-arranged plan. I should add that the Oil people at Digboi also made themselves pleasant to him and Fleming, the General Manager, had him in to lunch.

7. There was an echo of the Manipur outrage of 1891 recently in the report of the death of the widow of Tekendrajit, who was the principal figure in Manipur at that time. It was he who under his then title of "Senapati" had been the real ruler of Manipur since 1866, who dispossessed the then Maharaja in 1891 and who directed the resistance to the Chief Commissioner when he went to Manipur in March of that year. Takendrajit was hanged on the 13th of August 1891 for waging war against the Queen and for abetment of the murder of four British Officers—Mr. Quinton, the Chief Commissioner; Colonel Skene, Commanding the 42nd Gurkha Light Infantry; Mr. Cossins, Assistant Secretary to the Chief Commissioner, and Lieutenant Simpson of the 43rd.

8. I have received Your Excellency's letter of the 8th December with its enclosures on the subject of Parliamentary Secretaries. As I have already informed you, the question has not arisen here yet. But if there is a change of Ministry in one possible direction, I am inclined to think it may.

9. I held a meeting yesterday in order to set up a General Provincial Appeal Committee for Her Excellency's Anti-Tuberculosis Fund. My wife has undertaken the work of being Chairman of a Sub-Committee which will go into details, but I do not expect any real progress until after the Christmas holidays. Meanwhile, all districts have already been asked to set up their own District Committees.

10. I enclose as usual a copy of the Provincial Fortnightly Report for the first half of December.

Yours sincerely,
R.N. REID

[ENCLOSURE 1]

NOTE

I have had a long talk with Saadulla this morning, December 15th, who is decidedly perturbed. The story is long and complicated, mixed up as it is with personal intrigues, and tergiversations and all the miserable business of attracting a handful of votes here or losing a handful there, but I think I can fairly say that what emerges is this:—

(1) He has now sufficiently made up his mind that he wants to drop Ali Hyder and Wahid, the two weakest elements in his team, a proposal which I have long favoured. The former is willing to go. The latter is sticking his toes in and, as far as the particular point of getting rid of him goes, it might be necessary for Saadulla to resign with his whole Cabinet and then for me to ask him to form another one, without, of course, Wahid.

(2) But it is not as simple as all that. Recent consultations and negotiations on this subject have resulted in a split among the Muslims and Saadulla told me today that Ali Hyder and Wahid with, I think, six others had seceded from the Muslim League, in other words deserted their own leader, and consequently his own position is seriously weakened. Apparently the two men whom he wants to put into the Ministry, Abdul Matin Chowdhry and Munanwar Ali, though personally they would be an access of strength to the front bench, do not themselves command any great following nor great influence.

(3) Thirdly this question is mixed up with what is in effect a vote of no-confidence which is going to arise over the discussion on the Land Revenue Committee's Report on Saturday the 18th. This is the report on which the Ministry based their decision regarding those increases of land revenue remissions, which have been the subject of correspondence with Your Excellency, and the opposition are going to make it a matter of no-confidence. Saadullah is decidedly nervous about the outcome and of course if it goes against him, the Ministry will have to resign. He is uncertain how the votes will go, but his present idea is that he may have to buy the support of the Surma Valley Hindus, whether the Caste Hindus or the Depressed Classes (each a group of four). The price is a ministership. I told him I should find it very hard to agree to such an addition to the Cabinet because for the work of administration six Ministers are quite unnecessary, while the additional cost is unjustifiable. He agreed to the truth of those two propositions, but reminded me that the only alternative was a Congress Ministry. I would not so much mind an extra Minister, fatuous as it appears, if they could arrange that the present total expenditure on account of salaries was not exceeded. Indeed, I might, after refusing him a sixth Minister whose appointment added no extra cost, be faced with the necessity of accepting a Congress

coalition with, say, nine Ministers, also at no extra cost. Perhaps things may not turn out as bad as they look at present, but the outlook is not exactly bright. We shall know towards the end of the week.

2. For myself, looking at it from the best interests of the Province, I do not want to lose Saadulla, nor does anyone else who has any regard for good administration. I know the European Group take the view that, weak and unsatisfactory as they are, the Saadulla Ministry has got to be supported, simply because there is no (acceptable) alternative. Griffiths, who is here just now, and who had come up rather prepared to find that the European Group were not pulling their weight, is in agreement with this view. But a weak Ministry like this is a sad spectacle, and instead of becoming stronger the longer it stayed in office, as I and the Ministers themselves had hoped, it becomes weaker. Incidentally one effect of this weakness as regards myself is that I am asked from time to time, in order to save the Ministry from damaging criticism as being fit for nothing because they don't get their own way, to do or not to do things which I should be inclined otherwise to stick out about. Nothing of any serious consequence has so far cropped up and of course if it did I should have to put the interests of the Ministry on one side, but in the meanwhile, though I do not always like it, I feel bound to help the Ministry. Unless they change very much their principles and activities, we should, for instance, have a 50 per cent. reduction of Land Revenue, and some wild prohibition scheme, with no alternative source of revenue to make up the loss. Their ideas also run, I am told, to a large Cabinet of at least 9. They are certainly anxious to take office and have in fact approached the three Ministers, other than the two "duds". They would take in Saadulla and Nicholles Roy, and they would take Rohini Chowdhri too if he signed the Congress creed (which he won't Saadulla says). Anyhow I do not see at present any of those three joining Congress. All the same one cannot shut one's eyes to the fact that Congress do seem to be gaining ground. Saadulla told me today that even now they can count on 50 in the House, 32 of their own men, Promade Datta (ex-Member of Council) and three of his men, four Depressed Classes and, say, 10 Muhammadans.

R.N. REID—15-12-37

Today I am told that the Muslim split has been patched up. But, like Reuben, they are unstable as water.

R.N.R.

I can say that I will back him up. It is clearly quite impossible for me to attempt to make any material contribution in a matter of this kind.

LINLITHGOW

599

*Emerson to Linlithgow on Little Activity of Government Supporters in the Countryside**Linlithgow Papers*

GOVT. HOUSE, LAHORE
18 December 1937

[PRIVATE & PERSONAL]

D.-O. No. 28-F.L

MY DEAR LORD LINLITHGOW,

In paragraph 3 of my last letter of the 3rd of December,¹ I mentioned that there is far too little activity by the supporters of Government in the countryside and that the case of Government is allowed to go too much by default. Your Excellency remarked on this, in your letter of the 8th of December, and I may amplify my previous remarks. Previous to and during the elections the organisation of the Unionist Party was very good, and their agents and supporters were very active in the villages. Since Government took office —there has been a very marked falling off in this respect. Among the Ministers, Sir Chhotu Ram has addressed a large number of meetings, and, although he has provoked considerable feeling among the urban classes, his general attitude has been very favourably received by the rural classes. It has undoubtedly done a lot of good. He has also done something to organise the supporters of Government in the south-east of the Province. The Premier and Mian Abdul Haye have also done some touring and addressed some meetings, but to a far less extent than Sir Chhotu Ram. The other three Ministers have done very little in this direction. There have been very few meetings indeed organised or addressed by supporters of Government other than the Ministers, and there is no comparison between the number of meetings organised by the Congress or communists and those organised in support of Government. District officers frequently comment on this, and unless the ministerial party wakes up, it is likely to lose ground. Similarly, nothing tangible has yet resulted from efforts made a few months ago to start a pro-Government newspaper. The impression I get is that the Premier is too merged in ordinary matters of administration to give adequate attention to party organisation.

2. Similarly, there is insufficient examination of and consultation regarding legislative measures. There have been two informal

¹ See No. 578

discussions in Council of proposals to legislate regarding indebtedness, the Alienation of Land Act, &c. Their general effect would be to the prejudice of the money-lending and urban classes, and some of the proposals were drastic. There seems to have been no previous discussion between the Ministers themselves, the effects had not been properly considered and there was very inadequate appreciation of the results on particular sections of the supporters of Government. There had been no previous consultation with men like Raja Narendra Nath as to the attitude which he and his friends were likely to take. It was left to me to point out these matters, and I hope that my advice will have some effect. But the impression of confused thinking and lack of foresight has rather shaken the confidence of the Secretaries, who were present during the discussions, in the political sagacity and administrative ability of the Ministers. At the moment there is insufficient control and co-ordination, with the inevitable result that proposals are undigested. I may add that the Ministers did not resent the outspoken criticisms which I had to make. Indeed there is a growing tendency to refer matters to me which are not required to be referred under the Rules of Business, and, whereas I had little to do during the first two or three months of the new Constitution, I have now a fairly full day's work.

3. The Shahidganj agitation by the Ahrars has advanced a further stage. Yesterday, the 17th of December, Maulvi Mazhar, Ali Azhar, the Ahrar leader and a Member of the Legislative Assembly, offered himself with nine others for arrest. They marched from the Badshahi mosque towards the Shahidganj and a crowd of about a thousand collected. Mazhar Ali and his companions were arrested before they reached the Shahidganj and will be prosecuted in due course. After the arrest, the crowd dispersed quietly. There is no definite information whether the movement will be continued, but so far the Ahrars do not appear to have secured much Muslim sympathy, as it is generally recognised that their action has been inspired entirely by political motives.

4. I have been very much interested in developments in the United Provinces and hope that a crisis will not occur there, resulting in the resignation of the Ministry. If there is danger of this, it seems to be of very great importance that the issue should be put on as broad a basis as possible and that the case of Government should be published with as little delay as possible after the resignation of the Ministry. The broad issue is, of course, the question as to whether the Congress Ministry is going to carry out its responsibility for law and order or to allow open incitement to violence and murder. The immediate issue seems to be a much narrower one, and, if it comes to a question of resignation, the Congress will certainly try to put Government in the wrong by keeping the issue to the most narrow possible limits, namely, the question of

whether a particular individual should be prosecuted before or after a warning. However, I have no doubt that they will not be allowed to choose the ground most favourable to themselves. Similarly, if a statement has to be made by Government at any time, it seems most desirable that it should not be confined to the immediate issue of a particular individual, but to the campaign of incitement to violence which seems to have been going on for several months. A statement supplemented by an account of the activities of the worst offenders, giving actual extract from their speeches and substantiated by details of dates and places, would make it very difficult for Congress to defend their inaction, and would put them in the wrong from the outset. In fact, I do not see how the Congress could pretend to adhere to the policy of non-violence, and at the same time justify the breakdown of the Constitution because they had refused to take measures to prevent the preaching of violence. Their position from the broad point of view seems to be indefensible. It is this fact which makes me hope that the crisis will be surmounted.

Yours sincerely,
H.W. EMERSON

600

Bombay Workers Urge Lifting of Ban on the Communist Party

Independent India, 19 December 1937

In a mass meeting of the workers of Bombay, held the other day, a resolution was passed urging the Provincial Government to persuade the Government of India to lift the ban on the Communist Party. In the resolution, the ban is correctly characterised as "a violation of elementary civil liberties of democratic rights of organisation and free expression of views". We fully endorse the demand and expect that the liberal and progressive sections of the Indian people will do the same. The Communist bogey has been a plausible pretext for repression in this country for years. In the past, the Congress has refused to be scared by that bogey. But lately, the Congressmen in office and not a few of our leaders are developing the deplorable tendency of sharing the views of imperialism as regards Communism and the Communist Party. Of course, they pretend to approach the problem from a different point of view. They disapprove of Communism and the Communists on the ground that these advocate violence. This is the good old method of

giving the dog a name in order to hang it. Violence is no more a fundamental principle of Communism than of any other socio-political philosophy. Communist activity does not include propagation of violence, except as a means of defence. The morality and legality of using violence in self-defence have not been successfully disputed by any competent authority. Man must cease to be human before he will get over the instinct of killing when the other alternative is to be killed. But all these highly pertinent arguments and considerations are altogether irrelevant to the question at issue. Freedom of speech and association are elementary rights of citizenship. The demand for the legalisation of the Communist Party is a demand for that right. The Congress cannot help supporting the agitation for the enforcement of this demand without rescinding the Karachi Resolution on Fundamental Rights. Therefore, the ban can be lifted forthwith in the provinces where Congressmen are in office. Let the Central Government overrule this order of the Provincial Government; the people will back up their representatives, and a situation favourable to the development of the anti-imperialist struggle will be created.

601

Hallett to Linlithgow on Kisan Agitation in Bihar (Extract)

Linlithgow Papers

GOVT. HOUSE, PATNA

20 December 1937

MY DEAR LORD LINLITHGOW,

Kisan Agitation. As observed in the report though there have been a good many cases of rioting, it cannot be said that a serious situation has yet developed, and of course everyday that passes brings us nearer the end of the paddy harvest. Reading the reports received from Commissioners, I find that in the Patna district the agrarian situation which showed signs of deterioration in the beginning of the fortnight is now said to be under control. The District Officer of Gaya reports that there has been considerable improvement. Movements of Police and actions under preventive sections of the Criminal Procedure Code have to a large extent discouraged widespread disorder. The other district of this division, Shahabad is reported to be still very quiet. On the other hand in Tirhut, a tour of Swami Shahajanand has caused increasing disquiet. His speeches though said to be hardly objectionable were often very near to

the border line. In the Bhagalpur division, Kisan Sabha agitation is spreading and in this division the Swami has recently made a tour:

2. On the whole I feel satisfied that the Police and Magistracy have the situation in hand. The most significant feature of the fortnight is the split between Congress and the Kisan Sabha, of which you have doubtless read in the papers and which is described briefly in the official report. There is no doubt that Congress and my Government are apprehensive of the activities of the Swami and others and it remains to be seen whether the ban imposed on objectionable Kisan Sabha activities by Congress will have a good effect. If it has not, my Government should take action against them but they will not as yet tell me whether they are prepared to do so; one difficulty is that the Swami keeps just within the law and hence a prosecution would be difficult; executive action would have been taken in the old days but such action is of course anathema to a Congress Ministry. I may also note that recently at some centres the Swami has not attracted large audiences.

Yours sincerely,
M.G. HALLETT

602

Secretary of State Memorandum to Cabinet on Crisis over Parmanand's Prosecution in UP

Cabinet Papers No. 24/273

C.P. 317 (37)

CABINET

Memorandum on the Situation in the United Provinces

CIRCULATED BY THE SECRETARY OF STATE FOR INDIA

I circulate, for the information of my colleagues, a note giving the facts regarding the situation that has arisen in the United Provinces. Lord Linlithgow and I have good hopes that the difficulties can be overcome, but as it is the first of the differences between Governors and Ministries that has contained possibilities of a serious break in the working of the new constitution, I have thought it well that the Cabinet should be aware of it.

It concerns a man, Parmanand, who has bad record. He was arrested at Lahore in 1915 and was tried with 61 others under the Punjab Martial Law on a charge of conspiring to bring about mutinies in the Army,

combined with widespread risings in the Punjab. He was sentenced to transportation for life along with 42 others, while 8 of his fellow prisoners were hanged. By 1928, all the prisoners had been released except Parmanand, who had persistently shown a complete absence of any sign of having reformed. Since then there has been continued agitation for his release, and he was eventually released by the Government of the Punjab at the end of August 1937.

About the same time, 6 terrorist prisoners who had been convicted in 1925 after holding up a railway train at Kakori in the United Provinces and sent to the Andamans, were released, their return to their Province being greeted with demonstrations in their favour in several large towns, which were deplored by the Ministry and responsible opinion in Congress generally. On this release in the Punjab, Parmanand returned at once to the United Provinces (his own Province), and in company with the released Kakori prisoners, began touring the country-side and holding demonstrations both in villages and towns, at which their speeches became progressively more violent.

On the 9th November, at a Cabinet meeting, the Ministry decided to issue a warning to Parmanand that he would be prosecuted if he did not moderate the tone of his speeches. This was in accordance with the policy of the Ministry, which is not to institute prosecutions for seditious speeches without a personal warning having been previously given. As, however, Parmanand was travelling about the country-side this warning did not reach him, and about the 15th November he delivered a particularly violent speech at Dehra Dun in the western part of the United Provinces. A copy of his speech is not yet available, but the Viceroy has informed me that it contained an incitement to violent revolt against the British Government, and was directed towards seducing of the troops from their allegiance to Government. The Governor of United Provinces was on tour at this time, but on his return to the capital a Cabinet meeting was held on the 20th November, at which he urged that Parmanand should be prosecuted in respect of this speech. The Premier pleaded that, in accordance with his general policy, it was impossible for him to agree to this, as the preliminary warning had not been received by Parmanand. The Governor, however, insisted that his special responsibilities were involved, and that action must be taken. The Ministry though not agreeing to take responsibility themselves for the prosecution, did not raise specific objection to the Governor's issuing on his own responsibility an order to the District Magistrate, Dehra Dun, to institute a prosecution under section 124(a) of the Indian Penal Code (Sedition).

Meanwhile, Parmanand, with some of the ex-Kakori prisoners, had moved into Delhi which is under the control of the Central Govern-

ment, and had there continued his activities, but apparently he did not go as far as he had done at Dehra Dun. On the 2nd December they were all arrested under section 3 of the Punjab Criminal Law Amendment Act, the ex-Kakori prisoners for disobeying an order which forbade them to take part in a certain procession, and Parmanand for disobeying an order to leave the Province of Delhi within six hours. Parmanand was released on bail, but was then re-arrested while still in Delhi under the United Provinces Warrant in respect of his speech at Dehra Dun. The offence for which he was charged under this warrant is non-bailable and he is at present in jail in Delhi. His case under the Delhi charge is due to be heard on the 22nd December, or, if an application by the accused for the transfer of the case to the High Court is granted, it may be put off till after Christmas. The sentence which he may receive on this charge is unlikely to exceed three months.

Meanwhile, the United Provinces Ministry had been in consultation with members of the Congress "High Command," and came to the conclusion that they could not agree to the prosecution of Parmanand on the sedition charge. The Premier, however suggested to the Governor on the 6th December a compromise whereby if Parmanand was sentenced to a period of imprisonment on the Delhi charge, the case against him on the United Provinces charge would be withdrawn, but the Cabinet would take responsibility for having issued the order for his prosecution, and would give a general warning that seditious speeches of a violent nature would not be allowed to go unpunished. The Governor, while not absolutely closing the door on this compromise, informed the Premier that in his view, such an action on the part of the Ministry would appear vacillating and would not really give an effective warning to the public that Government do not propose to tolerate speeches of this kind. He therefore maintained his view that prosecution was necessary.

No definite decision was taken at that time, and at subsequent discussion with the Governor, the Premier expressed himself as very anxious at the turn affairs had taken and said that the Congress Working Committee took a serious view of the matter. He indicated that there were three possibilities: (a) that the Premier should accept responsibility for Parmanand's prosecution; (b) that he should disclaim responsibility and make it clear that the responsibility was the Governor's and that Ministers did not agree; and (c) that the Ministry should resign.

As regards the first alternative, the Premier admitted that he did not anticipate that his followers would go so far as to pass a vote of "no-confidence" in him if he agreed to the prosecution; but said that he had recently taken action to suppress speeches in Cawnpore* and, while his followers had accepted this, he felt considerable doubt whether they would be willing to acquiesce in further repressive action. He was very

anxious that he should not be drawn gradually into a policy of prosecution for seditious speeches. He again emphasised his objection in principle to prosecution without previous individual warning, but declared that where such warning had been given, he would prosecute.

The second alternative, that the Ministry should remain in office and admit that they had been overruled by the Governor, was felt by the Premier to be out of the question. Apart from his own feelings in the matter, it is probable that the Congress "Higher Command" feel that it would be very damaging to the position of Congress to have to admit that the Governor had used his special powers and that a Congress Ministry or some of them, would follow suit.

The Premier therefore made it clear that unless some compromise could be reached on the basis of the withdrawal of the prosecution in the event of a sentence of imprisonment being passed on the Delhi charge, he would have seriously to consider the third alternative of resignation, however reluctant he and his Ministry might be to take such a step. In the meantime, he proposed to wait for the arrival of Nehru, the Congress President, in Allahabad on the 14th December, and to discuss the matter further with him. It is possible, of course, though not certain, that if the United Provinces Ministry resigned, the other Congress Ministries or some of them would follow suit.

In the light of these discussions the Governor again consulted the Governor-General on the 15th December and put to him the following considerations:—

- (1) That when he took the responsibility of ordering the prosecution of Parmanand, the situation in the United Provinces was definitely alarming. The removal of Parmanand and the ex-Kakori prisoners from the scene with their arrest in Delhi had effected a marked improvement in the situation and had removed one of the most dangerous features, namely, the unchecked continuance of violent speeches. If these men are now sentenced at Delhi to a term of, perhaps, three months' imprisonment, the effect on the situation in the United Provinces will be decidedly good.
- (2) The Premier had taken the necessary action at Cawnpore, and this also had helped to improve the situation and had produced a much-needed impression that the Ministry were prepared to deal with a serious menace to law and order.
- (3) It was impossible to foresee the full effects of the Ministry's resignation, and, though the Ministry could be criticised for resigning on a point that would appear small compared with the issues involved, it would equally be easy to argue that in view of the improvement in the situation the Governor had precipitated a crisis on inadequate grounds. In view of these considerations he

asked whether the Governor-General would be prepared to contemplate a compromise if it appeared when he met his Ministry again that they felt so strongly in the matter that they were prepared to resign.

In reply, the Governor-General informed the Governor that he had given the fullest consideration to the effect of a breakdown on the general situation and was anxious to avoid such a breakdown if that course was practical consistently with his responsibilities. Although, therefore, he felt grave doubt as to the extent to which it was possible to rely on the Premier in the future, and, although he was reluctant to give way on this occasion when the case for prosecution was so strong with the possibility of being confronted with the same issue in the near future in which the ground might be nothing like so good, he had reached the conclusion that in the interests of the general situation it would be justifiable to take the risks involved in withdrawing the prosecution on the following definite conditions:—

- (1) That the Premier should get from Parmanand an assurance that he would not repeat his offence.
- (2) That the Cabinet of the United Provinces, in addition to accepting responsibility for having ordered the prosecution, should make a public statement (in the course of which they should refer to the fact that Parmanand was in jail already for another offence) to the effect that Parmanand has given an assurance of this nature, and that in the circumstances and in view of that undertaking, the prosecution has been withdrawn; that it has been made clear to Parmanand that if he offends again prosecution will follow, and that it is only on this clear and definite understanding that the prosecution has now been dropped. In the event of Parmanand declining to give such an assurance, the Governor-General hoped that the Premier, in view of this attitude of mind, would then be prepared to agree to the prosecution proceeding. He added that it was impossible to accept the proposal urged by the Premier that individual warning must necessarily precede prosecution in other cases, and he urged the Governor to consider the possibility of persuading the Premier to issue a general warning to the public.

I informed the Governor-General that I considered the compromise suggested by him with the definite conditions laid down is the best way out of the difficulty.

Later telegrams received on 19th December reported that the Governor had discussed the matter again with the Premier, who, though unable to agree to the first condition, is prepared to issue a statement, after the case at Delhi has been decided, making it clear that his Government have been disturbed for some time about the speeches of

Parmanand and others, that they had issued a warning which had miscarried, and that in order to put a stop to these speeches they had ordered that prosecution against Parmanand should be instituted; in view, however, of the sentence passed at Delhi, which has put a stop to his activities, they do not feel it is necessary in the circumstances to proceed with the case against him, but they cannot tolerate a repetition of such speeches, and if Parmanand offends again they will have no hesitation in ordering prosecution. The Governor has strongly recommended that this course should be adopted provided that a sentence of at least three months is imposed in the Delhi case, and the Governor-General, after consultation with me, has agreed.

ZETLAND

* During the labour trouble in Cawnpore at the end of November, the Premier fully supported the action of the District Magistrate in prohibiting 14 persons from making speeches or issue statements for a period of two months. This was the first time that the Congress Ministry in the United Provinces had countenanced any restriction on freedom of speech.

603

Mirza Ismail to Nehru Appreciating His Speeches

AICC Papers, F.No. G-88/1937

BANGALORE

21 December 1937

MY DEAR MR. JAWAHARLAL NEHRU,

I have been reading with great interest and gratification some of your recent speeches touching the various problems confronting the Congress and also on matters of wider interest to the country. It has afforded me genuine pleasure to find that there has also been so much in what you have lately said with which I am in hearty agreement.

For instance, the advice you gave to the students of Allahabad which was obviously meant for wider audience than had the privilege of listening to it, is such as every one interested in their future must welcome. It must do the students with whom rests so largely the fulfilment of our high hopes for the future of the country, a world of good.

Again your speech at Allahabad last month calling upon the citizens to cooperate with the police who are "not the enemy of the people", as you rightly said must strengthen the hands of Congress Ministries in the

public peace with the help of this most useful but least thanked class of public servants.

But what gave me especial pleasure to read was a report of your speech at the meeting of the citizens of Allahabad the other day, in which you have said that "there should be freedom of speech with this limitation that improper and dangerous speeches, which are likely to create mischief should not be allowed and the mischief-makers should be arrested". Need I say how entirely I agree with the sentiment you have expressed?

Let me assure you that our trouble here has been exactly what you so well denounced in your speech. If anything, it is worse in that the utterances of the agitators have not only been improper and positively inflammatory and provocative but also subversive of authority.

Please do not for a moment imagine that I am trying to quote you against yourself in justifying the action which the Government of Mysore have reluctantly had to take recently against those who both by word and deed are seeking to create trouble and unrest. I am only writing to tell you how glad I have been to be able to find that we agree on many fundamentals and that is what really matters.

I should not have written this to you as I have no desire to worry you unnecessarily, but I am anxious not to lose your goodwill. I should like to send you extracts from the speeches of some of our politicians later if only to place you in possession of material which would enable you to judge for yourself the sort of speeches that are made by them, but I do not think you should be troubled in this manner.

Trusting that you keep very fit and well and with the best of good wishes to you for 1938,

Yours sincerely,
MIRZA ISMAIL

604

Khare to Nehru on Declaring 26th January as a Public Holiday

N.B. Khare Papers

21 December 1937

MY DEAR PANDITJI,

I wrote to you from camp Raipur about the holiday on the 26th January 1938 and said that I did not expect such difficulty in the matter, but I had an occasion to talk to the Governor on my return from Raipur

and found out that a strong opposition might be expected from the Viceroy. I have already raised the question formally. The Governor said to me that the question was not raised by any other Congress Ministry. I therefore think that it is very necessary that the question should be raised by all the Congress Ministries so that there may be a reasonable chance of success.

Yours sincerely,
N. B. KHARE

605

Erskine to Linlithgow Regarding Ministry's Handling of Matters Falling in Governor's Discretion

Erskine Papers

MADRAS
21 December 1937

I would also like to take this opportunity of warning you that the Premier will probably shortly raise the question of the Central C.I.D. This matter was quiescent until the Home Department of the Government of India asked us, a few days ago, to loan one of our Police Officers to that organisation. On this the Premier asked for the legal authority under which the Central C.I.D. is working in the Presidency. I have told him that this organisation is nothing to do with me and that there is no doubt but that it can legally function. But it is in my view more than possible that he will refer publicly to the whole question and of course I have no power to stop him doing so. I imagine that, if my ministry were to refuse to loan an officer for this purpose, you, under special responsibility for the peace and tranquillity of India, would order me to detail one?

Another matter of some importance has also just arisen. It deals with Ministers advising the Governor on matters in which he, under the Act, exercises his discretion.

One of our Business Rules says that in such matters the file shall come straight to the Governor and not come through a Minister, and this is to my mind the only correct constitutional course to follow.

But the Premier wishes this rule to be abrogated and bases his arguments on the speech that the Secretary of State made in the House of Lords on 6th May 1937 and in which, according to the report in the *Times* newspaper, the following words occur:—

"First, then, let it not be supposed that the field of government is to be divided into two parts, in which the Governor and the Ministry operate separately at the risk of clashes between them. The essence of the new Constitution is that the initiative and the responsibility for the whole of the government of a Province, though in form vesting in the Governor, passes to the Ministry as soon as it takes office..."

I may say that I have now read the whole of this speech of the Secretary of State and it is obvious to me that he was merely dealing with the "Special Responsibilities" and was not referring to matters which are under the Act left to the Governor's discretion at all. But I am sure you will realise that the Congress leaders will snatch at any chance to interpret the Act in the way that they desire and will try their hardest to get round its provisions.

I do not propose to accede to Rajagopalachari's request to abrogate this particular rule, as I hold that it would be most unfortunate for a Governor to make an agreement either formal or informal to consult his Ministers on matters on which under the Act he is enjoined to act "in his discretion" though of course, if he so chooses, he can ask for their advice in any particular instance. I would very much like a reply from you. Wire as to whether you agree with my point of view.

Yours very sincerely,
ERSKINE

606

Rajendra Prasad to Patel on Agrarian Legislation and Situation in Bihar

Rajendra Prasad Papers

P.O. ZIRADAI (SARAN)
21 December 1937

MY DEAR VALLABHBHAI,

I have received your two letters. I read also in the papers that the Working Committee is going to meet in Bombay on the 2nd January. I am afraid it is going to put a heavy strain on Bapu. Why was Bombay selected? We could have spared Bapu and taken responsibility on ourselves. However, we must give him as little trouble as possible.

The agreement of the landlords has materialised and the Bill, as agreed, has been passed in the Assembly and is going to be taken up in the Council today. We are hoping that it will have an easy passage and

will become law before Christmas. The other Bill dealing with the other matters will be taken up during the next session. Other legislation will also be facilitated.

Three of our District Congress Committees had passed resolutions against Kisan workers—notably Swami Shahajanand—in different forms and the matter came up before the Working Committee of the Province. Swami did not attend. All other members were present. After prolonged discussions we passed the resolution which you must have seen in the Press. There is much anger and resentment among Kisan Sabha workers and probably the thing will come up before the W.C. The atmosphere in the Province is at present disturbed and we have to deal with it cautiously and act firmly. There is no difficulty in the Province as a whole. There are only three or four Districts where there is some trouble. One District, Gaya, is entirely in the hands of Kisan Sabha people—Patna comes next in order and then come Monghyr and Muzaffarpur. The last two will not give any trouble, but the first two are sure to do so. However, we shall see how they can be managed best.

I think the larger question of the situation at large will engage the attention of the Working Committee. I shall talk about it when we meet. But I may indicate one or two points for your consideration in the meantime. Supposing we get out of the Working Committee; shall we not be leaving the Ministries at the mercy of an unsympathetic W.C.? What shall we do in the Province? In most of them there is no alternative W.C. possible. The bulk of the Congress workers and the people at large would like the present policy, which is inspired by Bapu, to continue. How can we retire? If we continue to be in charge of the Provinces and get out of the All India Working Committee there is bound to be constant friction. I do not know exactly how things are intended or expected to shape. As regards Pandit Jawaharlal personally I have felt that since the advent of the Ministry of the Congress he has veered more to our point of view. He has a theoretical background which sometimes leads him into positions which are embarrassing and which are full of contradictions. But unless that something that happened in Calcutta behind the scenes has been such as to create an altogether new situation, it should not be impossible to tide over the present difficulties. That Bapu thinks otherwise is undoubtedly a most important factor to be considered. It was my misfortune that I did not attend the Calcutta meetings and that something I said in my ignorance upset things. I wish I could talk with Bapu. I do not know if it would be right to do so. However we shall see. I shall be reaching Bombay on the evening of 1st or the morning of 2nd. Where shall I stay? With Shri Govindlal or Rameshwardas. You will please fix up.

Yours sincerely,
RAJENDRA PRASAD

607

*Secretary of State Appreciation of Political Situation in India**Cabinet Papers, 24/273*

21 December 1937

1. The attitude of Congress Ministries towards law and order, which was so much discussed at the recent meeting of the All-India Congress Committee in Calcutta, was soon to be put to further tests, and most of these Ministers are in one form or another faced with the necessity of keeping subversive forces in check while working out the constructive side of their programmes. To some extent their difficulties are of their own creation. These Ministries came to office committed by previous Congress promises to a policy of tolerance. In accordance with this policy, restrictions on newspapers and unlawful associations have been widely removed; a considerable number of prisoners convicted of "political" offences have been released; under Congress pressure the removal of restrictions from detenus has been accelerated in Bengal; in the United Provinces there is to be a jail delivery of about 3,000 ordinary prisoners—mainly for reasons of economy—and a similar scheme is contemplated in Madras. Everywhere in Congress provinces, almost complete liberty of speech has been allowed to agitators and, in some cases, restrictions have even been placed on the reporting of their speeches by the police. Where, as in one case in Madras, a speaker has been prosecuted for sedition, the Ministry has been severely criticised. The Ministries thus find their hands tied in using measures to suppress disorder while, on the other hand, the Left wing socialists, covering as they do a considerable communist element and in some provinces a not inconsiderable ex-terrorist element, have been emboldened to conduct open agitation, threatening peace and stability. They have been busy organising strikes in industrial areas, preaching agrarian revolution in rural areas and making intemperate speeches calculated to weaken the respect for authority, and to undermine the morale of administration. While these tendencies are mainly in evidence in Congress provinces, their reactions are felt also in non-Congress provinces, where the bitter hostility of Congress to the Ministers in power, especially in Bengal and the Punjab, has thrown the Congress into alliance with those interested in promoting disorder in order to embarrass the Ministries.

2. Mr. Gandhi has made no secret of his aversion from the Left wing tactics. In a strong article entitled "Storm Signals", which he published in his paper "The Harijan" on 20th November, he draws a clear line between these agitators and the true supporters of Congress, and recognises in effect that issue must now be fought out between the Right

and Left Wings. There is evidence also that the Right Wing, consisting of the more stable elements supporting Congress, are alive to the danger of revolution from the Left and are mobilising their forces to meet it. Nehru, nearing the end of his presidentship, will soon be free from the restraints of office and is evidently prepared to take up the challenge of the Right Wing. The meeting of the Working Committee which is to take place next January will probably see the first real trial of strength. In the meantime, Mr. Gandhi's failing health removes to some extent his unifying influence and the support which he has always given to more moderate counsel.

3. The Congress Ministries themselves, representing on the whole the right-wing but doubtful which side of Congress will ultimately control their policy, have under this handicap for the most part shown themselves ready to use their powers for prevention of disorder within the limits which they have imposed on themselves, and have not lacked courage in facing criticism. Firm action by the Bombay Government proved effective in dealing with serious trouble stirred up by Communist agitators in the criminal tribes settlement at Sholapur. The same Government took prompt and adequate steps to uphold law and order in a strike prompted by the Communist Union in Ahmedabad, and thus enabled a peaceful settlement of the dispute. In Cawnpore, where the strike situation had been improving, serious danger of a communal clash suddenly arose from the murder of a loyal Moslem mill overseer. Immediate and effective steps were taken by the District Magistrate to prevent an outbreak and, at an important party meeting, the premier has since accepted the responsibility for this action. As a result, confidence has been restored and the situation is now under control. The United Provinces Government has been faced with another difficult situation arising out of the activities of certain ex-convicts of the Kakori conspiracy case and of another released convict, Parmanand, all of whom have been touring the province and delivering violent and revolutionary speeches. Latterly Parmanand had abandoned all restraint in a speech delivered at Dehra Dun. The United Provinces Government have been induced to order his prosecution under Section 124A, Indian Penal Code, but further developments are at present uncertain. In the meantime, these agitators visited the province of Delhi where they were served with restrictive orders, on disobedience of which they have been arrested and are under prosecution.

4. Agrarian agitation, promoted by kisan organisations in league with Congress Socialists, continues to be widespread in provinces where the Zamindari system prevails. Acute tension exists between landlords and tenants in parts of Bihar, and in the United Provinces landlords have

been finding difficulty in collecting their rents, a development which may possibly affect the provincial revenues.

5. Communist agitation for a general strike continues in Bombay and its projected date now seems to be the middle of February. In Calcutta the threat of a strike in the Electricity and Gas Companies has been renewed owing to the failure of the negotiations committee which was appointed when a strike was formally imminent. Workers have threatened to resort to sabotage if the strike materialises.

6 A number of minor incidents indicate the continued existence of communal tension, particularly in the Punjab, Central Provinces and United Provinces. No serious outbreaks have however occurred. It is noticeable that the Congress attitude towards the Moslem League has been somewhat modified, and it is clear that it is recognised as a serious rival to be placated as far as possible.

7. The economic conditions and prospects continue to be favourable in most parts of India, but crops have suffered from the shortage of rainfall in the United Provinces and North-West India generally.

Unusually heavy rains in Madras caused serious floods in which some 22 lives were lost. The damage in South Arcot is estimated at nearly 3 lakhs. Funds were immediately provided for relief work.

8. The inaugural session of the Federal Court took place on December 6th, and was attended by a large and representative gathering of the Bench and the Bar from all parts of India. Press comment although usually unfavourable to Federation has not failed to recognise that the established Court represents an important step in the constitutional development of India.

9. *North-West Frontier Province.*—Owing to continued improvement in the situation it has been possible to withdraw some of the additional troops employed. A few hostile gangs remain active, and there has been some sniping of camps and posts. In the middle of November the troops, encountered opposition in the Shaktu valley, where the casualties were 3 killed and 16 wounded; of the enemy 5 were killed and 7 wounded. The peace terms announced to the Bhitannis and Bakka Khels and Jani Khel Wazirs, have been complied with to a great extent. The road construction programme is almost complete.

608

*Linlithgow to Emerson on Necessity of Propaganda by Government Supporters
in Punjab and Controversy Around Parmanand*

Linlithgow Papers

VICEROY'S CAMP, CALCUTTA

22 December 1937

[PRIVATE & PERSONAL]
MY DEAR EMERSON,

Many thanks for your private and personal letter No. 28-F.L. of 18th December.¹ I read with particular interest what you tell me about the organisation of propaganda by Government supporters in the countryside. The issue is one of such importance to any Ministry that I very much hope that Sikander and his friends will not run any risk of letting their machine run down. I can quite imagine that the burden of administration and political problems falling on Sikander personally must be so heavy as to leave him little time for party organisation of this type—it would not indeed surprise me if that should continue to be the case, for in almost every Province I find the Chief Minister heavily weighed down with official files, with interviews and with the strain of parliamentary work; but so far as one can argue from, I admit, somewhat dissimilar conditions in England, it is important that he should have the help which the existence of a really strong and competent party organisation throughout the Province can alone give him. I readily recognise that this is essentially a matter for Ministers and that they are the people who will suffer if they are slack over party organisation; and I recognise, too, the arguments against allowing ourselves to become involved in their party difficulties. But they are still, I suspect, new to these problems, and it is important if one has got a Ministry of good quality not to risk being severed from them through a lack of foresight on their part in matters such as those now under discussion; and there is perhaps in the circumstances a case for giving a hint as opportunity offers as to the necessity of keeping the party machine running as smoothly as practicable.

2. I need not say how heartily I agree with you on the point dealt with in paragraph 2 of your letter. It is I suppose inevitable that there should be a tendency in certain quarters to ease off a little and to let things take their

¹ See No. 599

course. But if Ministers are to hold their own, it is as you say quite essential that measures of major importance or decisions of policy should be carefully thought out beforehand, that their effect should have been appraised, and that there should have been full discussion between the Ministers themselves. It does not surprise me that the burden now falling upon you should be heavier than during the first few months of the new Constitution. I fear that that is likely to be the case, as in the other Provinces, in an increasing degree.

3. I entirely share your view as to the great importance of publicity in the event of a break (which I trust will not happen) in the United Provinces over Parmanand; and I have already asked Maxwell to consider this aspect of the matter. I have some reason to believe that Congress themselves feel that this particular case is a bad one from their point of view, that they find themselves (though entirely as a result of their own action) on bad ground, and that they would be not unwilling to compromise, though the position is complicated by Pant's somewhat doctrinaire outlook. I will not trouble you for the moment with the course of the very full and lengthy correspondence which has been passing between the Secretary of State, Haig and myself as to the line to be taken, or with the outline of the various possible compromises which we have considered. The Secretary of State and I both agree that it is very important to avoid a break if we can do so though equally we realise that in this particular instance our ground is very good, given the objectionable nature of the speech made by Parmanand which is, I would judge, of such a character as to offend grievously against the Mahatma's non-violent theories, and equally of such a character that the public, whether here or at Home, could not well blame us for taking drastic action. I am not sure that the compromise for which Haig has now been authorised to work does not go rather too far. But Zetland and I both felt that the course of wisdom was in all the circumstances to err in the direction of leniency (so long as we and the Governor could safeguard our respective responsibilities) rather than run any risk of a breakdown at this stage. We may be driven to face a breakdown, but in that event we shall be able to feel that we spared no effort, even to the extent of making concessions which might be regarded as dangerous, to avoid it.

Yours sincerely,
LINLITHGOW

609

*Haig to Linlithgow on Crisis over Parmanand's Prosecution**Linlithgow Papers*

CAMP,
24 December 1937

[Secret]

MY DEAR LORD LINLITHGOW,

The main preoccupation of the last fortnight has been the crisis over Parmanand's prosecution about which I need say nothing in this letter. At the same time I think it may be useful if I give Your Excellency certain impressions about Pant's general position and attitude as arising from these difficulties. As I have explained previously, he has exceedingly strong personal convictions about democratic principles, and actions which circumstances force upon him which are in conflict with his general ideas of the liberty of the subject are extremely repugnant to him. His reluctance should not be attributed merely to fear of criticism; it represents in large part his convictions. In the second place, he has an exceedingly vigorous and troublesome left wing opposition. He is prepared, when in his judgment conditions require it, to face this opposition, and at present he can, when he faces it, beat it. This was shown in the attack made on him over his action taken at Cawnpore. But I think he had to exert all his authority on that occasion. I do not think therefore that there is any question, as Your Excellency suggests in your letter of 15th December, of his being heartened by this result. He did not get, I should imagine, a great deal of willing support. He made the question one of confidence, and no one is prepared at present to try and displace him. But it would be unwise to suppose that he is not confronted with a very strong opposition, and one must realise that he cannot view with equanimity continual attacks upon his position. Finally, one has to consider his physical condition. The strain of the crisis over Parmanand taxed him severely, and when he went down with fever in Allahabad I was somewhat apprehensive that he might break down completely. He was in an emotional state. He has pulled himself together now, but he is still not the man he was a few weeks ago. He has been consistently overworking himself, and is faced with an almost endless series of difficulties. He has been standing up to it all in a way which commands admiration, and he is sustained by his generally optimistic temperament. But if he once begins to despair and feels that the task is too heavy for him, I fear he might collapse rapidly. That

would produce a grave situation in the Province. It is the general opinion, and I share it, that there is no other right wing leader who would have the ability and authority to control the situation. I should probably before long find myself with a left wing Cabinet and that would lead very rapidly to a breakdown.

2. While I was at Allahabad I had many discussions about Jawaharlal Nehru's attitude with those who come in contact with him not infrequently. There is no doubt that he is taking considerable pains to support Pant's Government, even though it means contradicting a good many of his own previous activities. He threw in all his weight at Cawnpore to discourage further labour agitation. It was his action which brought the Allahabad University students under control, and enabled the jubilee celebrations to go through successfully. While I was in Allahabad he attended a very large gathering of peasants near there and, I understand, told them that they must pay their rents. The proceedings started with a resolution declaring that the zamindari system should be abolished and concluded with a resolution saying that rents must be paid. Even in the case of Parmanand his public reference to the matter was clearly intended to save the Government from embarrassment. The reason for these activities appears to be that Nehru is convinced that the continuance of the Congress Government in office is strengthening the hold of the Congress on the Province, and there I think he is quite right. Congress prestige stands very high and is all-pervasive. It may be that Nehru looks upon this as a preliminary stage to a revolutionary situation. On the other hand, I do not think we ought to be afraid of this situation. We are playing for high stakes and we must take certain risks. We need not assume that Nehru's judgment is necessarily correct and that the situation in fact will work out as he may wish. The longer the Congress Government remains in office, the more deeply does it become involved in administrative problems and policies and the more do the ordinary reaction of political forces come into play. Dissensions will arise, disillusionment in many respects will spread, and my own view is that a year hence, if the Congress Government remain in office, the Congress will not command the same degree of popular support which it does at present.

3. The question of payment of rents remains the crucial issue in the Province at the moment, and during the fortnight the Ministry have come to realise more clearly the necessity for vigorous action on their part. The communique which they have issued and to which the widest publicity is being given is attached to the demi-official fortnightly report. The clash of policy between the official Congress organisation and the Kisan Sabha is becoming more pronounced. I have no doubt at all that the Ministry fully realise how vital this matter is for them and

that they are by their own methods making every effort to secure that rents are paid. With reference to Your Excellency's suggestion in paragraph 5 of your letter of December 15th about progress reports, the system is being introduced which prevailed during the no-rent campaign, in accordance with which the available figures are reported by Commissioners more promptly than usual once a fortnight, but I do not think it would be feasible to introduce a weekly report.

4. Conditions in Cawnpore seem to have been fairly quiet during the fortnight, but today I hear that a new strike has developed. With regard to labour conditions and what Your Excellency says about them in your letter of 15th December there is no failure on the part of the Ministry to realise the importance of improving these and of establishing better relations generally between the employers and the workers. It is only in regard to the methods of achieving these ends that they are inclined to be less vigorous than I should wish. Undoubtedly they have a very difficult tactical situation to handle in Cawnpore and they have their hands so full with other things that there is an inclination to let matters run on there for a bit without taking any very effective steps. But this is a matter which I shall keep before them.

5. Another place where labour trouble, of course on a much smaller scale, might develop is Gorakhpur. Trouble is being worked up in the railway workshops by Dr. Bishwanath Mukerji, M.L.A., a fairly well-known communist. The Premier is doing what he can to bring influence to bear on Dr. Mukerji, but I fear that latter is out for his own advantage which he sees in stirring up a strike. I spent two days in Gorakhpur before visiting Allahabad. There is no doubt that conditions there both agrarian and administrative are decidedly worse than in any other district of the Province. I discussed the whole situation fully with the Commissioner and the Collector. The Congress have a very strong organisation in the district, and it is unfortunate that some parts of the district are being directed by extreme left wing men. There is a considerable history of oppressive treatment by Zamindars. There is an enormous and very poor population. Relations between landlords and tenants are very unsatisfactory and it looks to me as if when the Government policy is announced in January, special efforts will be required to get rents paid. There are also a good many disputes about possession of land, and there may be trouble at the time when the *rabi* crop is harvested. Administratively the existence of a large number of Congress *panchayats* is a danger, and after discussion with me the Commissioner has issued instructions which I hope will improve the situation considerably. There has also been some recrudescence of trouble in a few villages of the Jhansi district, but this is being dealt with.

6. The Allahabad University jubilee celebrations went off very well in

a general atmosphere of good-will which could hardly have been anticipated a few weeks before. I see that our Police Secret Abstract says that "the proceedings passed off smoothly except for an incident when His Excellency the Governor was greeted by some students shouting *Inquilab Zindabad*". This conveys a very misleading impression of the facts. On the first day when the special convocation was held, as the head of the long procession of which I was at the end appeared in the *pandal*, some rather rowdy shouts were raised from the back of the *pandal* where an audience of about 5,000 was seated. These shouts continued while the procession was marching up on to the dais. I had to open the proceedings with a speech of welcome. The moment I rose absolute silence descended and my speech was listened to with great attention and considerable applause. Your Excellency's message was much appreciated. Throughout the two and a half hours there was not the slightest misbehaviour on the part of the students. On the next day when the ordinary convocation was held, much the same thing happened. Shouts were raised as the procession walked in. As soon as the proceedings started they were absolutely orderly. When I closed the proceedings with a short speech, it was again very well received. At a garden party following on the ordinary convocation I exchanged a few words with Jawaharlal Nehru, whom I had never seen before. I was sitting with Mrs. Naidu when he arrived. Mrs. Naidu called him up and introduced him to me, and though he did not sit down, we had a few minutes' three-cornered talk. This incident apparently created a good deal of interest at the party. Politically the atmosphere at Allahabad throughout my visit was very friendly, and I am definitely glad that I attended the celebrations.

7. In a Cabinet meeting at Allahabad we had a useful discussion about prohibition policy. The Ministers agreed eventually to confine the actual prohibition experiment to two adjoining districts of no particular importance. The main policy really consists in extensive restrictions and administrative changes throughout the Province. These will I think certainly make for temperance, but will also involve considerable loss of revenue. The proposals however are to be worked out in full detail before any action is taken.

8. The three Muslim bye-elections have all gone in favour of the Muslim League, and it is possible that this may lead to some reconsideration by the Congress of their attitude towards the League. If the policy of absorbing Muslims in the Congress is not going to succeed, they may feel inclined to come to terms with the League, which I fancy the League would be very pleased to do. This, however, would involve far-reaching adjustments, and a re-shuffling of the Cabinet. I have no definite information that anything of the sort is under contemplation.

9. The troublesome dispute in Lucknow between Sunnis and Shias over the Madhe Sahaba question may have to be faced before long. We had a discussion in the Cabinet recently and efforts for some compromise between the parties are still being made. But the Ministry may have to make up their minds about the matter early in January and any orders issued are likely to lead to trouble.

10. The Legislature will meet on the 17th January, and it is anticipated that it will be in session more or less continuously till about the end of March. I am proposing to remain in Lucknow throughout January, as there will be a great number of crucial questions under consideration. I have visited now every division in the Province during this cold weather except Fyzabad and Benares. These I think will have to be left. I have found my tours of very great value to myself and I think they have been heartening to the administration.

Yours sincerely,
HARRY HAIG

610

Nehru on Rani Gaidilieu of Assam

AICC Papers, F No. DII/1936

28 December 1937

In Sylhet also many Nagas from the surrounding hills came to visit me with greetings and gifts. And from them and others I heard a story which India ought to know and to cherish. It was the story of a young woman of their tribe belonging to the Kobai clan in the Naga Hills. She was of the priestly class and she had the unique experience among her people to get some education in a mission school, where she reached the ninth or tenth class. Gaidilieu was her name and she was about nineteen years of age when civil disobedience blazed over the length and breadth of India. News of Gandhi and the Congress reached her in her hill abode and found an echo in her heart. She dreamed of freedom for her people and an ending of the galling restrictions they suffered from, and she raised the banner of independence and called her people to rally round it. Perhaps she thought, rather prematurely, that the British Empire was fading out. But that Empire still functioned effectively and aggressively and it took vengeance on her and her people. Many villages were burnt and destroyed and this heroic girl was captured and

sentenced to transportation for life. And now she lies in some prison in Assam, wasting her bright young womanhood in dark cells and solitude. Six years she has been there. What torment and suppression of spirit they have brought to her who in the pride of her youth dared to challenge an empire? She can roam no more in the hill country through the forest glades, or sing in the fresh crisp air of the mountains. This wild young thing sits cabined in darkness, with a few yards, may be, of space in the day time, eating her fiery heart in desolation and confinement. And India does not even know of this brave child of her hills, with the free spirit of the mountains in her. But her own people remember their Gaidilieu Rani and think of her with love and pride. And a day will come when India also remembers her and cherishes her, and brings her out of her prison cell.

But our so-called Provincial Autonomy will not help in bringing about her release. More is needed. For the Excluded Areas are outside the ken of our provincial ministries and, strange to say, they are even more cut off from us now than they were before the advent of "Provincial Autonomy". Even questions about Gaidilieu were not allowed to be put in the Central Assembly and in the Assam Assembly. So we progress to Swaraj through the Government of India Act 1935.

Darkness had set in and my tour was approaching its appointed end. We reached Habibganj late in the evening, and after the meeting there, hurried on to Shaistaganj to catch our train. The crescent moon hung over the horizon, with its silvery brightness gone and looking gloomy and yellow. I thought of the past twelve days with all these quick movements and crowds and enthusiasm, and it all seemed like a dream that was over. And I thought of Gaidilieu, the Rani, sitting in her prison cell. What thoughts were hers, what regrets, what dreams?"

611

Rajendra Prasad to Nehru on AICC Resolution on Mysore State

Rajendra Prasad Papers

P.O. ZIRADAI (SARAN)

24 December 1937

MY DEAR JAWAHARLALJI,

I received your letter dated 29th November, 37 and its enclosure in time but I regret I could not write to you as I did not have the previous resolution of the Congress with me at the time.

As I was not present at the meeting of the A.I.C.C. I am not in a position to say in what respect the proceeding deviated from truth and non-violence. But I imagine the reference of Mahatma Gandhi must be more to the speeches made in reference to Mr. Masaud's resolution than to the wording of the resolution itself.

The statement that the Mysore resolution was ultra vires has to be considered with reference to previous resolutions of the Congress. The resolution expresses emphatic protest of the A.I.C.C. against ruthless policy of repression and suppression of civil liberties in the Mysore State and after sending greetings to the people of Mysore and wishing them success in their legitimate and non-violent struggle "appeals to the people of Indian States and British India to give all support and encouragement to the people of Mysore in their struggle against the State for right of self-determination." I am not aware that there is any previous resolution of the A.I.C.C. or the Congress expressing protest against any particular action or policy of an Indian State appealing to the people of Indian States and British India to give all support and encouragement to its people in their struggle. The traditional policy has been one of non-interference in the affairs of the Indian States. There have been only three resolutions of the Congress with reference to which it has to be judged whether that policy has been abandoned or modified. The resolution passed at the Calcutta Congress in 1928 assured the people of the Indian States of its sympathy with and support to their legitimate and peaceful struggle. The Congress policy was reiterated and at length in a statement of the Working Committee in August, 1935, which was adopted by the A.I.C.C. at its meeting at Madras on 17th and 18th October 1935. In that statement after reiterating the pledge of Congress sympathy and support to the states people in their peaceful and legitimate struggle it is pointed out what the nature and form of that sympathy and support are to be:—"It should be understood, however, that the responsibility and the burden of carrying on that struggle within the states must necessarily fall on the states people themselves. The Congress can exercise moral and friendly influence upon the states and this it is bound to do whenever possible. The Congress has no other power under existing circumstances although the people of India whether under the British, the Princes or any other power are geographically and historically one and indivisible. In the heat of controversy the limitation of the Congress is often forgotten. Indeed any other policy will defeat the common purpose." The resolution of the Calcutta session as also this statement of the A.I.C.C. were reaffirmed by the Lucknow Congress in April 1936 and the Congress went on "to point out that the struggle for liberty within the states has in the very nature of things to be carried on by the people of the states themselves". It is my

recollection that an amendment to insert the word "mainly" in the last sentence was rejected at Lucknow. The resolution of the A.I.C.C. at Calcutta not only protests against a particular policy and action of the Mysore state but also appeals to the people of the Indian states and also of British India to give all support and encouragement to the people of Mysore. In other words it goes much beyond exercising moral and friendly influence, forgets the limitation of the Congress and adopts just the policy which was declared to defeat the common purpose and as such is inconsistent with the Congress resolution of Lucknow affirming the previous statement of policy. It is of course open to the Congress to alter its policy but so long as the Congress resolutions stand, it was not within the competence of the A.I.C.C. to pass a resolution which amounts to a direct interference with the internal administration of a state and to participating in a struggle that may be going on. If the A.I.C.C. resolution is to be given effect to the Working Committee is bound to help the people of Mysore with men and money and in other ways; and if its appeal is responded to, the people of the states and British India ought to do the same. This kind of support the Congress has never contemplated or promised and the Calcutta resolution of the A.I.C.C. goes beyond the Lucknow Congress resolution. I think it is for this reason that Gandhiji regards the Calcutta resolution as ultra vires of the A.I.C.C.

Yours sincerely,
RAJENDRA PRASAD

612

*Linlithgow to Haig Expressing Unhappiness About UP Government
Circular Requiring Officials to Maintain Liaison with Congressmen*

Haig Papers

VICEROY'S CAMP,
CALCUTTA
24 December, 1937

[SECRET]

MY DEAR HAIG,

In the course of our conversations at Delhi last month you showed me a circular letter (D.O. No. 712/III of 10th November 1937) which your Government had issued to all District Magistrates on the subject of their relations with the Congress. I then indicated to you that I was far from

happy about this letter and I think only fair to you now to indicate in more detail the reasons why I feel continued uneasiness at the thought that all Government servants in the United Provinces must in the meanwhile be regarding these instructions as binding upon them.

2. It was apparent to me at the time of our talk on this subject that you did not view the circular in the light in which it immediately struck me when I saw it. But I am sure you will agree with me that the success of the constitutional experiment on which we have embarked depends in a very large measure on the extent to which we can preserve the integrity of the public services, that is to say, secure their immunity from political influences or interference and, in the unfamiliar circumstances in which they are working, build up as early as possible a firm tradition of the complete detachment from Party Organizations and policies. It is only so that they can be taught to regard themselves as the instruments of the Governor in his exercise of the executive authority of the Province and not merely as the servants of whatever Party happens to be in power.

3. It is because it shows no trace of realization of this cardinal principle that I regard the circular letter issued by your Ministry with grave misgivings. Officers are told that the time has come when they should make determined efforts to establish relations of mutual confidence with the district leaders of the Congress organization. One may well ask, why should the burden be placed on the district officer and why in relation to the Congress organization only? The answer comes later, and it is a very dangerous one—"The Congress ...represents a large body of public opinion and is the party on the support of which the present Governments rests." This fact is apparently held to give a privileged position to the party organization of the Congress in the districts including not only a right to supervise the conduct of public servants but a claim to decide which complaints or other matters shall receive their special consideration. The explanation is given that the Congress is naturally anxious to secure the maximum benefit for the members of public out of the public institutions and functionaries, but unless (as I am afraid we must conclude) "public" means only "Congress supporters" there is no reason why this anxiety should be attributed to the Congress rather than to the district officers addressed. To speak quite frankly, if I were a district officer I should regard the whole circular as an uncalled for and rather offensive lecture. Its underlying assumption is that no Government servant can be trusted to do his duty unless he is told to do it by Congress busy bodies, to whom he is enjoined to show special deference because they happen to be the adherents of the political party in power. The same tone appears in a circular letter which I have seen reproduced in one of the newspapers and which purports to have been issued by a Mr. Seth, Secretary of the U.P. Provincial

Congress Committee, to District Congress Committees and other subordinate Committees. I suspect that this may be the communication foreshadowed in the last sentence of the circular we are discussing, and I notice that it imposes no corresponding obligation on Congress supporters to seek to bring themselves into "relations of mutual confidence and harmony" with Government officials. This, as the present circular says, "is a matter primarily for the district officers themselves to consider."

4. Apart from the false perspective in which this circular presents the relationship between the public services and the party in power, there is one other tendency which it signifies, the dangerous import of which will I know be familiar to you from your experience of the methods used in past civil disobedience movements, and that is the tendency to impress on the public that the Congress are their sole intermediaries in securing fair treatment or redress of grievances from the officers of Government. Congress, as you know, have always aimed at establishing themselves in this position and thus discouraging direct access of the public to district officers and there is no doubt that this method is one of the devices intended to prepare the way for parallel institutions. The same tendency to represent the Congress as intermediaries appears in the newspapers report of the circular letter of the Secretary, U. P. Provincial Congress Committee, to which I have referred above, and a position of this kind is not, as I am sure you will agree, one which we can even by implication accept.

5. I recognize the difficulty of your position in relation to this circular in that although it was prepared on the instructions of your Ministry it did at one stage pass through your hands, and the best method of dealing with it is clearly one which must be dictated by circumstances. I am sure however that given the apprehensions which I have expressed above and which you and I in fact discussed in some detail during our conversation at Delhi, you will appreciate my anxiety that if a suitable opportunity offers such steps may be taken for its withdrawal or modification as may be practicable, and that to such extent as it may lead to a misunderstanding on the part of the Services, again any appropriate reassurances should be given in such manner as you may judge to be the wisest and most suitable to the circumstances.

Yours sincerely,
LINLITHGOW

613

*Nehru's Circular Asking Congressmen to Observe 9 January 1938 as
China Day (Extract)*

AICC Papers, F. No. P1/1937

25 December 1937

January 9th, 1938 be observed as China day throughout India. On this day public meetings should be held in towns and the larger villages to express our sympathy for the people of China in their hour of trial and to explain the significance of the struggle that is going on in the Far East. The public should be requested not to buy Japanese goods but this does not mean that they should buy other foreign goods. In particular Japanese silk should not be purchased. On the day collections should be made for the purpose of sending medical supplies to China.

Please inform all your local committees of this and request them to take steps immediately to organise this work.

All monies collected for the Chinese people should be sent to the Foreign Department of the A.I.C.C., Swaraj Bhawan, Allahabad.

JAWAHARLAL NEHRU

614

*Nehru to Mohammad Ismail Khan Deprecating Muslim League
Communal Propaganda Against Congress*

Nehru-Jinnah Correspondence

ALLAHABAD
26 December 1937

MY DEAR NAWAB SAHIB,

I must apologise to you for the delay in answering your letter of December 1st.¹ It reached me about the middle of the month on my return from Assam and I have been overwhelmed with work since then.

You suggest that I have been hasty in arriving at certain conclusions on the basis of information supplied by interested parties. It may be so and

perhaps on a fuller consideration of all the evidence I might vary my opinion. Indeed I wrote to you in order to balance the facts and accusations in my possession with such as you might draw my attention to. Any person, however judicial-minded he might be, is invariably influenced to some extent by what he sees and hears. I have seen some thing and I have heard a great deal about the activities of some of the workers on behalf of the League and I have been influenced thereby. But essentially my distress was due to the whole background of the Muslim League propaganda, as evidenced by their official leaflets and notices and other statements. All this was intensely communal and anti-Congress. Political questions were hardly referred to and the stress was on religious and communal questions which did not arise at all. This seems to me a grave disservice to any community and to the nation, for progress comes through the development of the political mentality in a group. Nationalism is obviously a higher ideal than communalism in so far as politics is concerned.

I am writing this reply in some haste and therefore I cannot deal very fully now with all the points you have referred to. Nor do I think it desirable for us to waste our energy in discussing all manner of personal complaints and allegations. I shall only say this that a very large number of complaints have reached me of needless aggression on the part of persons calling themselves Muslim Leaguers. The national flag has been torn and pulled down, Congress meetings in villages interfered with, and speeches of a violent and provocative kind delivered. Some of these instances I have investigated myself.

The flag issue is now being raised. So far as we are concerned we have not raised any objection to the Muslim League flag being put up or displayed. But do you not think that this is definitely a step back which will lead to all manner of complications? The Hindu Mahasabha and the Sikh League and Christian associations will put up their flags in public places with equal justification. That surely is not the way to promote unity and consolidation and nationalism or to advance to the freedom of India. For all these years we have treated the tricolour flag as the national flag of India and it has gained a widespread respect and currency. Purposely it was designed to signify the unity of India: one of its colours was green to signify the Muslims. Maulana Mohamed Ali (and probably Maulana Shaukat Ali also) hoisted it on numerous occasions and spoke eloquently on its significance. Chaudhri Khaliquzzaman had it hoisted on the Lucknow Municipal Board buildings and elsewhere. Is he now going to put up the Muslim League flag or a variety of flags representing different communities?

It is all this background of communalism, separatism, anti-nationalism and a non-political consideration of political issues, that

distresses me. I realise and appreciate that the Muslim League, in so far as its resolutions are concerned, has come much nearer to the Congress politically. That is welcome advance. But the background does not fit in with this; indeed it is in direct contradiction with it. Take again the fact that many of the present leaders of the Muslim League (I do not refer to you or to Mr. Jinnah) sided completely with the British Government throughout our struggle with it, and some of them actively cooperated with the most reactionary conservatives and diehards in England. Am I to understand that they are converts to independence and direct action now?

One particular statement in your letter has surprised me exceedingly. This is about the stabbing incident after the Bijnor election. You say that after inquiry you found that the volunteer who stabbed a Congress worker had sufficient provocation to justify the act. Now this seems to me very strange. My own information is that the person stabbed is an exceedingly mild and quiet individual and in fact that he was probably stabbed in error for someone else. But, even otherwise, do you think a provocative remark is enough to justify stabbing?

You draw my attention to offensive remarks and statements made by persons working on behalf of the Congress. You agree, I think that Congressmen as such have not made them but that some *Maulvies* and *Ahrars* have done so. It may be so and I am exceedingly sorry for it. One or two instances were brought to my notice during my election tours and I express my strong disapproval of them. Certainly I am prepared to condemn all such remarks by whomsoever made. Unfortunately I seldom have time to see the Urdu or Hindi press and cannot follow its outbursts. As for the so-called nationalist press in English, there has certainly been anti-Muslim League propaganda but this has been political, I suppose. I do not remember seeing anything personal. In any event please remember that the Congress does not control any single such newspaper. They are vaguely nationalist because they cater for a public which prefers that outlook and they criticise individuals and groups in the Congress, including me, pretty vigorously. I disapprove entirely of many of their policies but I am unable to control them.

I have not seen the dramatic piece which appeared in the *Hindustan*, nor have I read Sardar Sardul Singh's speech to which you refer.

I might remind you that last May or June, when I was in Burma, my attention was drawn to certain references to Mr. Jinnah in the Gujarati press. These papers were not Congress papers: indeed they were partly anti-Congress. I did not myself see what they had written but on being told that they had indulged in personal criticism, I deprecated this and publicly apologised to Mr. Jinnah, although I was in no way concerned with the papers.

You refer to the Congress mass contact movement as if this was

started as a challenge to the Muslim League. Allow me to assure you that it is nothing of the kind. You may or may not agree with the ideology behind it, but you will appreciate, I hope, that it has nothing to do with Hindu or Muslim as such. It is the natural development of an organisation towards the masses. I laid stress on it in April 1936 in my Lucknow Congress address and since then we have been pushing it. A few months later I pointed out that it had lagged behind so far as the Muslims were concerned and urged Congressmen to push it among them. Whatever the shortcomings and errors of the Congress might be, it is in conception and even in practice a national movement. It has no other *raison d'être*. It cannot admit the argument that it must not function in a particular religious group. For if it does so, it ceases to be national. If it does so, it must also retire from other such groups, and ultimately it must fade away. There is no middle course.

We are a political organisation with our doors open to all and trying to function on the national plane. In the interests of Indian unity and freedom it is essential that there should be such an organisation. There is no other. It may be that occasionally this organisation errs in a communal or group matter. If so every effort must be made to put it right. To attack it as an organisation and try to weaken it is to attack the conception of Indian unity itself and of nationalism and freedom. What will take its place? And what of all of us if there is no such organisation?

We go to elections of course in the hope of winning a seat. But I hope you will remember that we aim higher. Winning seats does not carry us far. We are out to develop the people politically and to organise them for the fight for freedom. Elections give us an opportunity for this and so we welcome them. An election run on personal issues or other side issues is of no use to us whatsoever; indeed it injures our cause.

You refer to the belief that the Congress is trying to destroy Muslim solidarity. That is often said but I do not understand it at all. There can be and should be religious or cultural solidarity. But when we enter the political plane, the solidarity is national, not communal; when we enter the economic plane the solidarity is economic. The Congress is out to build up national solidarity and at the same time to preserve in every way possible the cultural solidarity of different groups.

It is very unfair of anyone to charge Muslim supporters of the Congress with being financed by the Congress. Naturally in our election we help our candidates, Hindu or Muslim. Apart from this what is meant? If it is hinted at that Muslims in the Congress are there for love of money it is a calumny and a falsehood. Our finances are perfectly above board and can be inspected. In our various offices there are a number of Hindu as well as Muslim wholetime workers who are paid a maintenance allowance, which is usually far less than what they can earn

otherwise or what they were actually getting before they joined us.

You refer to the appointment to ministerial offices of persons who have abjured their parties and only recently joined the Congress. Presumably you refer to Hafiz Muhammad Ibrahim. I think you are very unfair to him. Perhaps you do not know that Hafiz Ibrahim has been a Congressman for years past and has held office in Congress committees. He left the League Parliamentary Board long before the ministries were formed on the ground that the board was allying itself to reactionary elements which had opposed the League and the Congress in the general elections. That attitude was a perfectly comprehensible and justifiable one, whether one agreed with it or not. Subsequently as you know he resigned and sought election again. What more can a man do?

I hope however that now that the elections are over all these matters and disputes will tone down and gradually vanish away, allowing us to consider our national problems dispassionately. You write that you agree with the Congress programme as outlined in the Wardha resolution of the Working Committee. You agree that politically speaking there seem to be no vital differences between the Congress and the League, and then you ask me to point out where we differ from you. Perhaps this letter will help you to appreciate our viewpoint. It is not for us to seek out differences, it is our business to remove them. We are a political organisation trying with such ability and energy as we possess to work for a certain end. In the nature of things, being a national organisation we work among all classes and groups in India. This means no ill will to other groups or individuals. Our effort must necessarily be to gain their goodwill. So far as the minorities are concerned it is our declared aim and purpose to go out of our way even to gain their goodwill. So if we agree in such a large measure why should we not carry on in a friendly way?

Yours sincerely,
JAWAHARLAL NEHRU

615

*Zetland to Linlithgow on Prosecution of Parmanand (Extract)**Zetland Papers*

28 December 1937

I need hardly say that I have studied the telegrams which have come from the United Provinces during the past week or ten days with the greatest interest and with, on the whole, a fair measure of satisfaction. Haig seems to be tackling his Ministry with greater energy than he has done in the past, and, although I could have wished that the sentence imposed upon Parmanand at Delhi had been a longer one, I am in agreement with you in view of what Haig himself says that it is wise to take some small risk and to keep on good terms with Pant. I was glad that Pant displayed some indignation when Haig rather implied that he, Pant, might find it difficult to prosecute seditionists soon after the issue of the statement which he is now prepared to make, for his expression of indignation will at least justify us in expressing astonishment if in the future his actions do not come up to his protestations.

616

*Erskine on Improved Political Situation in Madras Presidency
(Extract)**Erskine Papers*

29 December 1937

SIR,

Since I last wrote to you on April 15th¹, a considerable change for the better has taken place in the political position in the Madras Presidency.

Your Majesty will remember that last April the situation was very confused as the Congress Party, though in a large majority in the Legislature, had declined to accept Office unless they were given assurances that the Governor would not use the special powers laid down in the Act. As a result a minority Ministry had been formed in Madras of which Sir Kurma Venkata Reddi was the head.

¹ Not printed.

Sir Kurma Venkata Reddi's Government remained in being till July 14th, during which time negotiations took place with the Congress leaders with a view to the majority party accepting Office.

These negotiations were really in the nature of explanations as to what the clauses of the Government of India Act actually meant and nothing whatever was given away by the British authorities. Finally, the Congress made an abject surrender and accepted Office without any assurances at all.

Looking back on the whole episode, it is probable that we were unnecessarily worried at the intransigence shown by the Congress leaders.

It has since become clear to my mind that there was in fact no other course to the Congress but to work the Act. The only other line of action that they could have adopted would have been to start another civil disobedience movement, but the population as a whole was sick and tired of non-co-operation and they would have got very few people to support them.

Therefore, though they did so with a very bad grace, the Congress, having been completely outmanoeuvred, accepted responsibility for the administration of the Presidency.

Sir Kurma Venkata Reddi's Ministry resigned voluntarily on July 14th and the Congress Ministry under the leadership of Mr. C. Rajagopalachari were sworn in on the same evening.

The swearing-in ceremony went off very well, but I was considerably amused at watching each new Minister take the Oath of Allegiance to Your Majesty, their faces remained quite impassive, but their toes twitched with considerable rapidity. An Indian can usually hide any embarrassment that he may be feeling from showing on his face, the reaction of his toes being a much surer guide to his real feelings.

The Ministry have now been in Office for some four months and so far nothing very startling has occurred. Law and Order has been well maintained by them and the position on the whole is satisfactory in the Madras Presidency in this respect.

But it is my view that they have already lost a great deal of their original popularity. Indeed it is the old story of too many impossible promises made at the time of the election, and in the short time that they have occupied their present Offices they have offended the members of the Provincial and Subordinate Services, the lawyers, and anybody with any property to lose.

In fact, I am fairly certain that by their acceptance of Office they have prepared the ground for their eventual break up as a Party. How long it will be before that break comes it is impossible to say, but in my own view it will come sooner than many people

As to the Premier himself, I get on quite well with him, but he is an odd mixture. He is a relation of Gandhi, whose son his daughter married, and he dresses in much the same way. He is an idealist and his main object in life seems to be to get India back to what it was in the days of King Asoka. I may say that I am myself a pretty good Tory and would often like to put the clock back for twenty years or so, but even I do not desire to go back two thousand years, which appears to be Rajagopalachari's ideal in politics.

The other Ministers are mostly fairly competent and compare favourably in that respect with their predecessors of the Justice Party who were in office from 1920 to 1937. But the Premier runs the whole show and, if anything were to happen to him, we should be all over the Place, as he is the king-pin of the entire Ministry and it is mainly due to his ability and also to his prestige as an All India Congress leader that they are for the time being a united body. But the political position is an interesting one and he would be a bold man who would attempt to prophesy the course of events even for six months ahead.

Apart from politics the Presidency is quiet....

617

Rajkumari Amrit Kaur on Women's Participation in Political Activities

The Pioneer, 30 December 1937

"The struggle for freedom to-day occupies the centre of the Indian stage. It is only natural that this should be so, for how can India come into her own unless she is free," observed Rajkumari Amrit Kaur, opening the twelfth session of the All-India Women's Conference this afternoon. Over 400 delegates from all parts of India were present.

She added progress and reform were indissolubly linked together. Therefore while remaining strictly non-party and unattached to any political party women should lend moral and active support to activities likely to benefit the country and have the right of expressing their opinion on burning questions of the day.

The main reason of their failure to make contact with the women of India for whom they were pledged to work was that they lived in the towns, while real India was in villages. This state of affairs must undergo a radical change. Every branch of their association must strive to establish contact with the woman of the poor classes, study their wants and educate the children in the villages.

Rajkumari Amrit Kaur pleaded for the support of indigenous industries specially khadi.

Proceeding she referred to the formation of popular Government in seven provinces which were doing their utmost to implement the ideals they had pressed all along. Prohibition was definitely the woman's work, for the curse of drink lay more heavily on woman than on drink addicts. She hoped that their branches in these provinces would get in touch with the Ministers in charge and offer full co-operation and help in the matter. She urged women to take a lead in temperance propaganda.

As regards legislation for the removal of legal disabilities of women, she had no doubt that the popular Governments of the seven provinces would consider the concrete proposals of the Conference.

Referring to educational reform which was now receiving the attention of the Governments she said that they should assimilate the new ideas that were being put forward in order to mould education on suitable lines.

After dwelling on the social services women could render Rajkumari Amrit Kaur said that the field was so vast that an enormous army of workers was needed. If their Conference was to be a living organisation and if it was to embrace the whole of India it could not afford to confine itself within narrow walls. She pleaded for a change in the outlook and appealed to the delegates to insist that the constitution of the Conference should be so formed as to allow them to express opinion and partake in any activity for the good of the country, keeping itself within constitutional lines.

Finally the President stressed the need of adopting non-violence as the creed for the attainment of their ideals.

618

UP Government's Warning to Political Enthusiasts Against Display of Indiscipline

The National Call, 30 December 1937

In withdrawing proceedings under section 124 A against Mr. Parmanand the U.P. Government have warned political enthusiasts against indulging in irresponsible language or subversive activities. We can understand the embarrassment of a Government which in the interests of law and order feels compelled to enforce a law which it has been all along

the pride of its members to violate and disobey. It was more to conform to consistency, rather than on merits, that the U.P. Government had thought fit to withdraw the case. Pandit Parmanand has been set free. But after the Government indictment of his utterances, it must be assumed that he has been convicted, and for a charge more serious even than sedition, namely betrayal of party discipline.

Recently within the Congress itself, a section has grown almost in every province, which in defiance of the party discipline has abused the limited freedom of speech and association made available by Congress Ministries and indulged in unribald license. Whether it be the extreme Kisan Sabhaites of Behar or the communist workers of Bombay the spirit of license has been common to all. If the provincial ministries have hesitated to take action and if the action if any has been halting and mild it is not because the license is pardonable, but because Congress Ministers normally must revolt against the very idea of persecuting erstwhile colleagues, and to make them suffer just because they would like things to move faster than the pace of reality can permit. And yet how prone are people to condemn the Congress Ministers for even the mild action they have to take to maintain law and order.

As the evil of irresponsibility is increasing it is essential that the Congress as a party should take serious notice of these excesses either of speech or of action. It may be only in very extreme cases that the provincial Government may feel compelled to take action. But to avoid needless embarrassment to provincial cabinets, it should be the duty of Congress executive to take immediate cognisance of any irresponsible conduct on the part of political workers and to take suitable action immediately. Political life moves in an orbit of relativity.

A person who talks in terms of fiery extremism at one time may be a hero but at another time he may be worse than a traitor to his party, and a dangerous associate. We do not wish to suggest that just because Congress ministries govern seven provinces, we should cease to think progressively or even in radical terms. Indeed this should by itself encourage free progressive thinking. We may even preach radical ideas with greater impunity. But just because our nominees are in power, we must not say or do things which impair discipline, and militate against peace, law and order. If we do so we betray our utter incompetence to govern ourselves. We must not forget that the task of Congress ministries is a difficult one. The scope of their initiative is very restricted. We may criticise them. We may guide and advise them. We may at times even oppose them. But at no time and on no account must we embarrass them. The pace of progress may be slow, but it cannot become faster by any display of impatience and indiscipline. Hence we suggest that just as the Congress took serious action against those who by their cowardice

betrayed the national cause in civil disobedience movements, it should not hesitate to take action against those who by their irresponsible extremism prove traitors to the discipline of the party. Such action should be taken irrespective of the official attitude of Government, not so much to save embarrassment to the latter, as to build up a sense of discipline and responsibility, among men who in times of strife displayed the greatest fearlessness and heroism.

Appendix 1

*Correspondence between Abdul Halim Ghuznavi and Raja of Burdwan
Regarding Hindu-Muslim Compromise in Bengal*

Star of India, 8 January 1937

MY DEAR FRIEND,

With the advancing years, the conviction has steadily gained ground on me that for the good Government of Bengal, it is absolutely necessary that the two great communities—the Hindus and the Muslims should bury the hatchet and commence to work together for her welfare on non-communal lines and a spirit of mutual tolerance and co-operation. It is on that account and also with a view to end the communal bitterness that I welcomed the following proposal for the settlement of the communal differences which Mr. B.C. Chatterjee put forward during his visit to London in 1933 with the sanction and approval of the Hindu and Muslim leaders including the Hon'ble Nawab Sir Mohiuddin Feroqui, the Hon'ble Khan Bahadur Azizul Huque, the Hon'ble Sir B.P. Singh Roy, Dr. Naresh Chandra Sen Gupta, Khan Bahadur Mr. M. Abdul Momin, Mr. Fazlul Huq, Mr. Shaheed Suhrawardy, Sir Abdulla Suhrawardy, Moulvi Abul Kasem. The proposal was as follows:—

1) The proportion of seats allotted on the Bengal Legislative Council to Bengal Muslims and Hindus by the Communal Award to remain subject to revision at the end of 10 years. 2) The Cabinet to contain an equal number of Hindu and Muslims Ministers. 3) All the services under the Provincial Government to be recruited from now in equal numbers in the proportion of 50–50 from the Hindu and Muslim communities in Bengal subject to the reservation of an agreed percentage thereof for members of the European, Anglo-Indian and Christian communities of the province and subject to the candidates of all the communities satisfying a test of minimum efficiency to be formulated by a Provincial Services Commission.... Unfortunately however the Hindu leaders later on backed out of the agreement. So the proposal fell through.

Although this discouraged me for the time being I did not lose all hope, but went on persisting that some suitable arrangement and understanding should be arrived at in the interest of the people of Bengal as a whole. It heartened me to find that the arrangement proposed in 1933

had the support of such leaders amongst others as the Hon'ble Nawab Sir Mohiuddin Furoqui, the Hon'ble Khan Bahadur Azizul Huque, the Hon'ble Sir B.P. Singh Roy, Dr. Naresh Chandra Sen Gupta, Khan Bahadur M. Abdul Momin, Mr Fazlul Huq, Mr Shaheed Suhrawardy, Sir Abdullah Suhrawardy and Moulvi Abdul Kasem. I therefore, profoundly deplored the existence earlier this year of a bitter controversy in Bengal between the Hindus and the Muslims regarding the Communal Award. So it gave me great relief when in the month of August last you broached to me the subject of Hindu-Muslim settlement Thereafter I spoke to you about the infructious proposal of 1933 and enquired whether anything on the same lines was feasible and acceptable by you and your friends...

When therefore I received your letter of the 8th September last in which you stated that you and your friends took a favourable view of the proposal, I at once proceeded to consult H.H. the Right Hon'ble the Aga Khan who replied on 17th October 1936 as follows:—

Proposed settlement with Hindus would be excellent if possible and if acceptable to leaders of both parties. Deserving of every encouragement. Aga Khan.

Thereafter I approached most of the other All-India Muslim Leaders who also have given hearty support to the proposal mentioned below. Just at the present moment it cannot be expected that those who are contesting the forthcoming election to the Provincial Assembly in Bengal will commit themselves, however sympathetic they may be in this connection...

The acceptance of the proposal on Muslim side must be understood to be subject to the proviso that all agitation against the Communal Award except in the manner agreed upon must cease as soon as this settlement is put through, otherwise it will be inoperative and of no effect.

I remain
Yours sincerely,
ABDUL HALIM GHUZNAVI
(Kt., M.L.A.)

Reply Of MAHARAJADHIRAJA OF BURDWAN

MY DEAR FRIEND,

I have to thank you for your letter dated the 17th December, indicating the terms of a possible settlement of the Hindu-Muslim question in Bengal. I feel you are entitled to the gratitude of the people of Bengal for the trouble you have taken to secure the assent of prominent

and representative Muslim gentlemen to your proposals which evince an earnest desire on your part to secure inter-communal harmony in this province. It is particularly gratifying to me and my friends who have been in close touch with me in this matter that your proposals have the approval of His Highness the Aga Khan, a copy of whose cabled message to you is embodied in your letter under reply. I also note with great satisfaction that you "approached most of the other All-India Muslim Leaders who also have given support to the proposal mentioned" in your letter. Your proposals are as follows:—

1. The Communal Award to remain subject to revision at the end of ten years or unless and until the Communal Award is printed in the newspaper modified by the mutual agreement of the communities affected by it.
2. The Cabinet to contain an equal number of Hindu and Muslim Ministers.
3. All the services under the Provincial Government to be recruited from now in equal numbers in the proportion of 50–50 from the Hindu and Muslim communities in Bengal, subject to the reservation of an agreed percentage thereof for members of the European, Anglo-Indian and Christian communities of the province and subject to the candidates of all the communities satisfying a test of minimum efficiency to be formulated by a Provincial Commission.

You will no doubt remember that during our informal discussions we had on two occasions the benefit of the suggestions and opinions of two important Congress Leaders namely, Dr. Bidhan Chandra Roy and Mr. Sarat Chandra Bose. They spoke freely and frankly and took part in the discussion apparently without reserve. Although they said that they could not at that stage be formally associated with the proposals they both expressed the opinion that the proposals when presented to the public would greatly ease the communal tension which, unfortunately existed and was growing. They even suggested certain slight alteration in your original draft, some of which you accepted and are incorporated in your final draft, which I have quoted verbatim from your letter in the previous paragraph of this letter.

I placed your letter with your proposals, before the Negotiations Sub-Committee of the Bengal Anti-Communal Award Committee at a meeting held last evening, and I am very glad to be able to inform you that the said Sub-Committee, which was vested with plenary powers by the parent body in this matter, have unanimously accepted the proposals as the basis of a complete Hindu-Muslim settlement in Bengal in the near future. It is our hope, as we believe it is yours, that our joint efforts, which have resulted in these obviously reasonable proposals, will at once

create an atmosphere of trust and goodwill and so far, at any rate as this Province is concerned—there will be no need in future for militant public agitation either against or in support of the Communal Award. On my behalf and on behalf of my Committee I thank you for your good offices and for the truly public spirited urge in you which impelled you to move in this matter.

Your sincerely,
B.C. MAHTAB
 Maharajadhiraja Bahadur of Burdwan
 President, Bengal Anti-Communal Award Committee

Appendix II

Nehru's Circular to PCCs Regarding Formation of Ministries

AICC Papers, File P-1-/1937

SWARAJ BHAWAN,
 ALLAHABAD
 3 March 1937

To
 President
 Provincial Congress Committees
 (Not to press or others)

DEAR COMRADE,

I enclose a copy of a circular I am issuing to the secretaries of P.C.C.s for your information so that you might pass it on to the leader of the Congress parliamentary party in your province. It is quite possible that you or the leader of the Congress Parliamentary Party may be approached by representatives of the government to discuss formation of ministries or other matters relating to the legislature. You may also be approached by other groups in the legislature. It is highly desirable that the response to all such requests should be clear and definite and uniform all over India. With other groups we can form no alliances.

If a request comes from a Governor for an interview to discuss such matters, an answer should be sent pointing out that such discussions can serve little useful purpose at this stage till the A.I.C.C. has finally decided the lines of our future policy. If, however, the Governor still

desires to meet you or the leader of the parliamentary party, you or he should see him and give him an answer on the same lines. Further, you can draw his attention to the resolutions of the Working Committee recently passed which lay down the general lines of the policy which will govern us in the legislatures and outside. Beyond this you cannot go at this stage.

The question of ministries is still undecided and all speculations in regard to it are premature and undersirable. There is however another question: who is going to be the president of the legislature? It is likely that our policy will be to put up a Congress member for this post and to ask the party to support him. This post is an important one involving constant contact with representatives of the government and requiring the possession of many qualities. We cannot distribute this or any other post or office as rewards to individuals, however deserving of reward they might be. We have to keep this larger viewpoint of our cause and our freedom struggle always before us. Therefore all such matters must be considered from this larger viewpoint. It is desirable therefore that you or your party should arrive at no final decisions in such matters without reference to the Working Committee. Whenever such questions arise, I shall expect to hear from you.

I shall be glad if you will communicate the contents of this letter to the leader of the Congress parliamentary party in your province.

Yours sincerely,
JAWAHARLAL NEHRU

Encl. Circular

No.-17

P-1/792.

To Secretaries
Provincial Congress Committees

DEAR COMRADE,

I should like to draw your particular attention to the series of resolutions passed by the Working Committee at Wardha recently. You must have seen these resolutions in the press and they will be sent to you soon from our office. These resolutions give a definite and clear lead to the Congress organisation and to the country generally in regard to our future work and policy both inside the legislature and outside. Final decision about this policy will no doubt be taken by the A.I.C.C. in Delhi but whatever the decision on the question of ministries might be,

this general background of our policy is clear and is bound to remain. Therefore every newly elected Congress member of the Legislatures as well as other Congress workers should be fully acquainted with it and should act up to it. You will therefore kindly take immediate steps to inform all such persons as well as all Congress Committees in your jurisdiction of these resolutions. At the next meeting of your Provincial Congress Committee these resolution should be read out.

In particular I should like to draw your attention, and through you that of all Congressmen in your province, to the immediate necessity of our organisational work being carried on in rural and other areas at almost the same tempo as during election time. The elected members have a special responsibility for this in their own constituencies. They should also see to it that the people in their areas are not harassed or ill-treated because of their support to the Congress in the elections and every such case should be investigated.

Recently hail and frost has done great damage to crops in north India and peasantry in these areas are alarmed and distressed. In all such cases Congress workers and Congress members of Legislatures should make personal enquiries and help the peasantry in putting forward demands for remission and other form of help to relieve their distress.

Leaders and members of Congress Parliamentary parties should remember that we can enter into no alliance with other groups, nor can negotiate with Government or their representatives in regard to our future work in the legislatures. So long as the A.I.C.C. has not definitely laid down its directions no such conversation can serve any useful purpose. In the event of any particular development taking place the matter should be informed to us to ensure that an identical and uniform policy is followed everywhere.

Yours sincerely,
JAWAHARLAL NEHRU
PRESIDENT
AICC

Appendix III

Linlithgow to Zetland on Interview with Birla

Linlithgow Papers

Today, 12th March 1937, I gave an interview to Mr. G.D. Birla. After the conventional preliminaries he asked if he might talk politics. I said "Go ahead". He opened by saying that he does not like the look of

things. The constitution can only work if the right spirit and a change of heart are apparent. He thinks, given these, that the constitution as at present drafted might work, for a time. Congress are approaching the new situation in a mood of deep suspicion. There is much bitterness on account of the anti-Congress bias shown by the I.C.S. previous to and during the elections.

After a good deal of this sort of talk, I told Mr. Birla that I thought it probable that he was aware that I had been approached obliquently by way of my granting an interview to Mr. Gandhi. Mr. Birla said he knew of this. I said that, according to the newspapers, the idea in Gandhi's mind was to get from me, on my behalf and that of the Governors of provinces some assurance as to the circumstances in which we would, or would not, use the so called safeguards. I went on to say that I thought it unlikely that Mr. Gandhi had fallen into the error of thinking that I or any Governor could—even if we so desired—contract out of our statutory duty under the Act. I had already on more than one occasion made plain in public my own inclination to work the constitution in a spirit of sympathy, help and co-operation with any party or persons prepared to work it and in a position to work it. I would take occasion to say as much over again. But if the question were put to me: will you give undertaking limiting or defining your discretion as to the use of the safeguards, the answer would be: No. I said I felt it important that this should be clearly understood and that Mr. Birla was at liberty to report to Mr. Gandhi. I realised fully the position as between Mr. Nehru and Mr. Gandhi. I knew that there was a close bond of sympathy between the two men. But I also recognised that Mr. Gandhi's immediate policy was far less intransigent than that of Mr. Nehru. I had therefore no wish to weaken Mr. Gandhi's hand. If he came now and asked me for undertakings about the safeguards and I said, as I most certainly would say, that I must refuse even to discuss such a proposal, this would only weaken Mr. Gandhi's position. Furthermore, I must point out that in existing circumstances and after the newspaper propaganda that had taken place, it would not be possible to describe a visit by Mr. Gandhi to the Viceroy as a private call. Indeed I was perfectly clear that it would be essential, following such an interview, to publish immediately a press communique indicating the nature of the subject discussed and the outcome of the discussion, Mr. Birla agreed with every one of those points.

Mr. Birla told me that he would try to the very best of his ability to convey to me Mr. Gandhi's mind on the present political situation. In the first place I must know that Mr. Gandhi had no official position in the Congress, nor was he in active politics. He was coming up to Delhi for the meeting of A.I.C.C. at the request of the members who desired

to receive his advice. Having no official (position), Mr. Gandhi—Mr. Birla thought—would not himself move in the matter of an interview with me. (I do not follow this reasoning, and suspect that this was a loose observation made to gain time while Mr. Birla was thinking out his next point.) Mr. Gandhi had hoped for a “Gentleman’s Agreement” about the safeguards; but he, Birla, now says how difficult it would be to find words in which to express such an agreement. Mr. Gandhi was most uneasy because all the bigger and more able Congress leaders were not in the Provincial Assemblies but at the centre. In all the Congress majority provinces, with the exception of Madras, Congress was represented by small, inexperienced men. Those men could no doubt face up to their respective governors with a formula provided for their use; (in) negotiations with a Governor they would be either over weak or over rigid. Mr. Gandhi was either therefore “most anxious that means should be found to cause the venue of touch to be shifted from the Provinces to the centre, between the Viceroy and Mr. Gandhi”. Mr. Birla warmly approved of this proposal and asked me to apply my mind to discovering means of implementing it. I said to Mr. Birla that I understood that this was Mr. Gandhi’s view, and not merely his own. He replied that that was so. It is of interest to note that he showed not the least sign of having realised that he had led the cat out of its bag. Indeed, it was perfectly plain that he expected me to be a great deal gratified at being offered the centre of the stage in such excellent company.

Before Mr. Birla left, I told him at some length:

(a) that I disagreed altogether with the suggestion that the I.C.S. had shown prejudice against the Congress at the elections, and

(b) that I thought Mr. Gandhi had quite misjudged the position in thinking that Governors, by their use of the safeguards, would be found constantly pulling up Congress Ministries seeking to carry out their programmes.

Appendix IV

S.F. Stewart to Laithwaite enclosing Tegart’s Note on Terrorists

L/PO/6/46/B(1)

MY DEAR LAITHWAITE,

I send you herewith two copies of Tegart’s note. It is late but he has taken great pains over it.

As for the rest of my arrears—as regards yc

to spend an undisturbed and happy Bank Holiday week-end in unloading my conscience—short of accidents. Since the days of the White Paper I have never been quite so pressed as I have been since I came back from my small accident. But it has done me no harm.

Yours sincerely,
S.F. STEWART

I have been asked to expand my previous note, in which I expressed the view that the existing large camps are not the best way of dealing with terrorists under detention, and that unless the psychological aspect of terrorism is studied and dealt with, it is not possible to get to the root of the problem.

Recent figures for Bengal disclose the following position:—

| | | |
|-----|--|------|
| (1) | I. Total number arrested under B.C.L.A. Act 1930 & Reg. III | 3502 |
| | II. In Jails and Camps | 1384 |
| | Of the latter | |
| | (a) 303 are in Berhampur old camp | |
| | (b) 166 are in Berhampur new camp | |
| | (c) 453 are in Deoli | |
| | (d) 320 are in Hijli | |
| | III. In home domicile | 214 |
| | IV. In village domicile | 906 |
| | V. In Agricultural & Industrial Camps | 130 |
| | Of the latter | |
| | 28 have come from camps | |
| | 89 have come from village domicile | |
| | 12 have come from home domicile | |
| | I sec. 2(1)a. | |
| (2) | A year ago the figures were approximately | |
| | Total arrests | 3335 |
| | Jails & Camps | 1540 |
| | Home domicile | 167 |
| | Village domicile | 772 |

These figures taken at their face value show the position has improved. Despite 167 new arrests, the camp population has decreased by 196, outrages have been held in check, and it has been possible to bring more terrorist before the Courts for trial. But it must not be forgotten that in the past such figures have proved an unreliable index of the actual

situation. The virus has been found to have been persistently active and terrorism has blazed out again with increased violence.

The main arguments in favour of the establishment of more and smaller camps may be briefly summarised as follow:—

- (a) It would permit classification of the detenus, separating the leaders from the rank and file and separating men belonging to different groups.
- (b) It would check the hatching of plots in the camps and make it more difficult for the leaders under detention to continue to direct the movement outside.
- (c) It would make the policy of gradual releases more easily and safely effected.
- (d) Last, but not least, it would afford an opportunity for dealing, in the case of the rank and file, with the psychological aspect of the problems.

(a) Speaks for itself.

(b) I have dealt with in my previous note.

(c) After a lull in outrages public opinion demands release of those detained without trial. Large camps make the selection of individuals for release more difficult and risky. The camps are under the control of Commandants who are generally military officers on the active or retired list. Owing to the large numbers under their control, one can imagine that the Commandants' main preoccupation is to avoid disturbances caused by hunger strikes, etc., and it must be a temptation to leave so few pricks that the disgruntled detenus cannot find them to kick against. Incidentally, nothing is more disastrous than to give the terrorist any idea that the Government fears him or his conspiracies. The terrorist is generally conceited and has an overweening idea of the power of his organisation. It is therefore of paramount importance that he should realise that Government will take up any challenge he can make and defeat him.

Before releases take place from a camp, a Police Officer generally goes for interviews. The Officer's knowledge of the inner working of the camp usually leaves much to be desired, and his choice probably falls on those whose dossiers were least lurid when arrested. Naturally, many factors handicap him in arriving at a sound opinion on the attitude of those he sees in a brief interview, and mistakes, such as the transfer to village domicile of Probhat Chakraborty, the main organizer of the inter-provincial conspiracy, are inevitable.

As will be seen from paragraph 2, Buxa camp has been recently closed down. This suggests the policy of the Government inclines to fewer and not more camps. If the opposite policy is to be adopted, cogent reasons will probably have to be adduced. More and smaller

camps will cost money. The establishment of small settlements on the lines of those maintained during the war, as a half-way house between camp and village domicile, would also require additional finance, but in the war against terrorism, economics at the expense of efficiency are costly, and, in fact, unjustifiable. Past history shows numerous incidents where a stitch not applied in time, has cost nine. Further, the terrorist bill is so huge already that the cost of these schemes would probably be a drop in the ocean.

To deal now with (d). The root of the trouble is that the recruits believed, and still believe, what the recruiters have told them about the exploitation and enslavement of their country by the British Government. They believe this mainly because they have heard, or read, nothing to the contrary. They also accept the conclusion that relief from this tyranny can only be secured through violence. The leaders, as a class, are irreconcilables, and it is generally no use arguing with them. I have suggested in my previous note the line of action which should be taken in their case. But if classification were more effective while the detenus are under restraint, it should be possible to tell the rank and file something on the other side. I think it is the duty of Government to make this effort, finance, hostile criticism and possible failure notwithstanding. I do not anticipate failure any more than I envisage complete success.

The Bengali is intensely emotional; this aids the recruiter. I knew of a quiet student who was turned into a potential assassin by a story as lurid as it was false, of a Police Officer who, when conducting the search of a "patriot's" house killed a pregnant relative by kicking her. His emotionalism can also inspire the counter attack, e.g. a young terrorist after a lurid career of crime killed a Brahmin Police Officer, he himself being of a lower caste. In quiet talks after his arrest some months after the crime, the terrorist explained his motive for this and other crimes. He believed his victim was little short of a fiend incarnate because his leaders had so taught him. When he learned the truth and we were able to convince him that his victim was a man of whom any country might be proud, who had befriended and helped many misguided youths like himself, he was seized with violent remorse and special precautions had to be adopted to prevent him from taking his own life. He said he would help the Police to stop terrorism and he did so.

Take another case of a youth who, once a terrorist, when convinced of the evil the leaders were doing, said he would devote his life to tracking them down for the Police. For months he worked on this line, his life hourly in jeopardy. Each success he had, and they were many, increased the danger. Finally, he was rescued in the nick of time when about to be shot as a spy. Even after this he wished to continue the work till death.

Dr. D.M. Maitra, founder of the Bengal Social Service League, whom I knew in Calcutta and met recently in London, is no less certain than I am that attempts should be made to controvert the baneful effect of the perverted teaching to which the minds of the youthful detenus has been subjected. He tells me he has visited some of them in jails. Bindassi, Sir Stanley Jackson's assailant, after long talks in the Midnapur Jail, said to him, "You have lit a new light in my heart; why did I not know these things before?". Compare this with her statement in Court dealing with her motive for the crime:—"Would not the immolation of a daughter of India and of a son of England awaken India to the sin of its acquiescence to its continued state of subjection, and England to the iniquities of its proceedings. That is the one question that kept thundering at the gates of my brain like an insistent hammer blow that could neither be muffled or stilled".

One more instance. Some little time ago I had to tea in my flat a quondam terrorist whose main obsession, while a terrorist, was to assassinate me, and in that role he was a dangerous and clever foe. No one is better qualified than he to explain the nature and disastrous effect on immature minds of the recruiters' and leaders' teaching. His advice, for as can be judged from the above, he is now a convert to the other side, is worthy of attention. He believes that the attempt to controvert such teaching is worthwhile and should be made.

Incidents and cases illustrating this point could be multiplied to fill a book, for in earlier times when the virus was not so widespread the police did a great deal in the way of exorcising bats from young terrorists' belfries. Some officers who had a particular aptitude for the task were specially detailed for this work. They talked to individuals by the hour and, having shaken their pupil's faith in his former leaders, they took the latter's place. Today the police are too busily engaged in their primary duty of catching the offenders. The number of the detenus has swamped them. The large number in durance today prevent individual discussions, which are the best means of approach. But if the best means are unobtainable, one must try the second best, i.e., classification in smaller camps where education on fundamental, economic and historical facts could be initiated. Education and not propaganda is what is wanted—education which will controvert the teaching of the detenus previous mentors regarding the enslavement of his Motherland and the opening of her economic viens for his own benefit by the "Feringhee". Education which will then proceed further and show him how he can use his patriotism for the real benefit of his Motherland. Probably no country in the world has more need of men prepared to work as pioneers for the social and political uplift of the people than India. Is it not unfortunate to say the least of it, that, apart from the miseries and

bloodshed which have stained the path of terrorism, the self-sacrificing spirit evinced by the terrorist rank and file leads but to the stagnation and decadence of the camps and jails, and that, when released the terrorists still think that this way lies salvation? The founder of the terrorist movement, Barindra Kumar Ghosh, in an attempt to extinguish the flame he lit 31 years ago, wrote in 1933, in dealing with dacoities and murders committed in his time "Henceforth political workers could hardly be distinguished from robbers and highwaymen".

To attempt to work out the details of this educational scheme, based on economic and historical instruction coupled with personal talks and discussions with the right type of man, this latter being a most important feature, is beyond the scope of this note. The preparation of such a scheme and the selection of lecturers would presumably form the subject of a conference between professors of economics and history, educational officers generally, social service workers and experienced magistrates and police officers. I would only venture the following general remarks. The first essential is to talk from an orthodox nationalistic standpoint. The class is composed of youths who are anxious to serve their country. This zeal must be commended and encouraged but diverted from murders and robberies into the right channel. An excellent text for such discussions seems to me to be furnished by Barin Ghosh, the disillusioned founder of this noxious cult. I quote at some length from his pen: "Terrorism is born of cynicism and despair. The secret dagger or the bomb of the assassin must eventually coarsen and brutalize the man who uses it". "To hit an unwary enemy from behind his back has always been against the very genius and spirit of spiritual India. We condemn it in the case of a mercenary goonda, equally when a brutal Mohammadan or a Hindu mob or a communal goonda in a deserted lane use it in the name of religion and God, and yet we extol it to the skies when the doer is actuated by patriotic and political motives. In a way, it was I who was instrumental in 1905 in introducing terrorism and bombs as a means of winning political independence for India. Ever since then, going on sporadically, a set of young men, especially in Bengal, have got into this groove and cannot get out of it. The arguments in the columns of the "Jugantar", our first revolutionary organ, still hold the field. I have changed and India has changed but they have not. I write against terrorism because I feel deeply that whatever the provocation Bengal should not stoop to cruel and low means which brand her noble and self-sacrificing children with the name of secret assassins. There are any number of other methods of agitation for the redress of our wrongs which can be more potent and have a wider application and effect than these sporadic acts of secret aggression. It lowers and degrades India's

children in the eyes of the world, tarnishes her fair name and does violence to the inmost urge of her soul".

These words will carry even more weight today in view of the impending constitutional changes than when Barin wrote them three years ago.

On the constructive side which is no less essential, some link might be possible between this scheme and the schemes now fostered by Government for village uplift and social service work. In the wrong hands such programmes may become foci of disaffection and trouble, in fact this realisation probably acted as a stimulus to Government's plans. History shows that in their early days both the Jugantar and the Anusilan groups attracted recruits in the first instance by organising such social service work, afterwards poisoning the minds of their youthful workers. There seems no reason why Government should not use the same method of approach with a different object in view.

Dr. Maitra, who has studied social service both in Europe and Bengal, has shown me a very interesting selection of pictorial diagrams which he has prepared for his work in Bengal, illustrating the foundations on which life must be based, how the soil must be prepared to receive light through education, how the windows and doors of the mind must be opened to let in this light so that the tree of life may be healthy and useful. He believes that an adaptation of the "Sokol" movement, which originated in Czechoslovakia, might be tried in Bengal. I do not want to express any definite opinion on this suggestion. The movement on its physical side has been adopted by Government in the Irish Free State—but this may perhaps be considered a doubtful recommendation.

The Sokol movement has a tinge of nationalism which should appeal to the detenus but Masaryk throughout urged the need of realism which must be directed against exaggerated historicism. Nation building must be a gradual process of regeneration from within. The history of this movement and Dr. Maitra's work are worthy of consideration.

To sum up, I feel that from whatever angle this very difficult problem is viewed, it is wrong to allow the malignant teaching of the leaders and recruiters to go unchallenged. In the past, as I have endeavoured to show, it has been counteracted on a small scale with considerable success. Does not this inspire the hope that if the more complex problem of today were attacked on scientific lines with the whole of Government's resources, vastly more profitable results might ensue? Even if the main camps are regarded as too difficult to tackle in the first instance, could not a trial be made in the agricultural and industrial camps where conditions are more congenial, numbers smaller and the temperament of the inmates is more malleable?

Finally, a word of caution. A half-hearted attack would be worse than

useless. It must be made on the right lines by the right people, who understand the mentality of their listeners and who, being convinced of the truth of their own gospel, possess the inspiration of missionary zeal.

Appendix V

J.P. Mills to Laithwaite: A Confidential Appreciation of Assam Ministers

Linlithgow Papers

SHILLONG,
20 April 1937.

[Confidential]

D.-O. No. 421-C.B.

MY DEAR LAITHWAITE,

I am directed to refer to your demi-official No. 2362-G.M. of April 5th, 1937, and to send you the confidential appreciation asked for.

Yours sincerely,
J. P. MILLS

[ENCLOSURE TO THE ABOVE LETTER]

Confidential Appreciation

The Hon'ble Maulvi Syed Sir Muhammad Saadulla—Chief Minister. Portfolio of Home, Finance and Public Works. After acting for some time as Assistant Lecturer in Chemistry at the Cotton College, Gauhati, he joined the Gauhati Bar. He was elected to the Assam Legislative Council for two successive terms in 1913-20. In 1920 he joined the Calcutta High Court Bar. He again entered the Assam Legislative Council in 1924 and was Minister of Education and Agriculture from March 1924 to April 1929, when he became Member of the Assam Executive Council in charge of Law and Order and Finance, and was Vice-President of the Executive Council. In 1934, on the termination of his five-year period as Member, he returned to the Calcutta Bar, and in 1936 was appointed Junior Government pleader, High Court Calcutta an appointment which he gave up to become Chief Minister in Assam. He represents the Kamrup (South) Muhammadan Constituency and has the support of practically all the Assam Valley Muhammadans and of the

bulk of the Surma Valley Muhammadans. He is an experienced and able debater but markedly communal in his views.

The Hon'ble Shams-ul-Ulama Maulana Abul Nazar Md. Waheed —Portfolio of Education and Forests. He is an eminent and highly respected Arabic and Persian scholar. He served for many years in the Bengal Educational Service, was promoted to the Indian Educational Service in 1921 and retired as Principal of the Dacca Madrassa in 1926. He has travelled in Europe in connection with enquiries into, and arrangements for, Oriental studies.

He represents the Sylhet Sadr (Central) Muhammadan Constituency. He is himself a Sylhet man and has the support of a section of the Surma Valley Muhammadans. He is 63 years of age and has little experience of public affairs. It remains to be seen whether he will show marked activity in the discharge of his duties as Minister.

The Hon'ble Srijut Rohini Kumar Choudhury—Portfolio of Revenue, Judicial and General and Legislative. He began practice at the Gauhati Bar in 1913. In 1920 he joined the Congress and in November 1921 was convicted in connection with the Non-Co-Operation Movement. He was elected to the Assam Council in 1926 on the Congress ticket, but, after resigning in obedience to the Congress Resolution in 1929, successfully sought re-election in the same year as a non-Congress candidate.

He represents the Kamrup Sadr (South) General Constituency and has the support only of the Assam Valley non-Congress caste Hindus. He is quick-witted and recently was probably the best debater as an opponent of Government. He is expected to take his duties as Minister seriously.

The Hon'ble Revd. J.J.M. Nichols-Roy—Portfolio of Local Self-Government. He is a Khasi and a member of a sect called "The Church of God". His trade interests are considerable. He is married to an American lady. He is a strong prohibitionist and was responsible for anti-drink and anti-smoking legislation. He has represented the Shillong Constituency since 1921. He was appointed Minister in 1926 in the Department of Local Self-Government, but had to resign three years later on a vote of "no-confidence". He has support of the Backward Tribal (Plains), Backward Areas (Hills) and Indian Christian members, and of some of the Labour Members. He is of average intelligence and takes time to make up his mind.

The Hon'ble Maulvi Md. Ali Haidar Khan—Portfolio of Agriculture, Industries, Co-operative Societies and Registration of Deeds. He has had no University education, but speaks and understands English well. He and his brother Ali Asgar Khan (at present Assam Representative in the Council of State) are the biggest Muhammadan zamindars in the Sylhet District, and belong to one of the very few Shia families in Assam.

Ali Haidar represents the South Sylhet (East) Muhammadan Constituency. He has the support of a section of the Surma Valley Muhammadans. Some years ago he was elected Member of the Assam Legislative Council, but was frequently absent and took little or no part in debates. He is 36 years of age, of somewhat limited intelligence, and with little experience of public affairs, but his views are conservative and he has always been a loyal supporter of Government.